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This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

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PROCLAMATION 4158

### National Microfilm Week

*By the President of the United States of America*

#### A Proclamation

The development of microfilm technology has revolutionized the collection, retrieval, and dissemination of information, and the preservation and use of records. The industry which fostered that technology has brought great advances in efficiency and accuracy to the records of business, government, academic and cultural institutions, and other users.

Today, microfilm serves as an economical and efficient tool for banks, stores and other businesses, hospitals, schools, and libraries. It enables scholars and other researchers to expand their explorations into documentary sources without a commensurate increase in travel and other costs.

And it is invaluable to the Government, the largest single user of microfilm. For example, by maintaining social security records in microfilm, the Federal Government can keep such records up-to-date and readily accessible for fast and efficient service to our citizens. Through the use of microfilm, the National Archives and the Library of Congress can make documentary information available for research while, at the same time, they preserve original source materials which would deteriorate through heavy use.

Acknowledging the important contributions made by microfilm in the day-to-day life of America and the accomplishments of the microfilm industry, the Congress, by House Joint Resolution 1193, has requested the President to designate the week which begins on September 24, 1972, as National Microfilm Week. I welcome the opportunity to do so.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the week beginning September 24, 1972, as National Microfilm Week; and I invite the Governors of the States and mayors or other appropriate local government officials to issue similar proclamations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of September, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-seventh.



[FR Doc.72-16528 Filed 9-25-72;12:44 pm]





## PROCLAMATION 4159

## Veterans Day 1972

*By the President of the United States of America*

## A Proclamation

As American troops return home from another distant conflict, and when, for the first time in this century, the hope is strong for a full generation of peace, it is particularly fitting that we should pay tribute to the veterans who have served our Nation's flag with honor.

No group has sacrificed more for the cause of peace and freedom than the men and women who have proudly worn the American uniform. In serving God and country, they have sought not glory for themselves, but peace and freedom for us all. As a Nation, we owe them an enduring debt.

Each year we choose a special day to salute them—to pay homage to the millions of quiet, undemanding heroes who have served so that other generations might be spared war's anguish and destruction.

Today, when their efforts are beginning to bear fruit, America should honor them with a very special salute. For they have expressed in their service much of what is finest in our Nation—courage, selflessness, discipline and devotion. These are qualities we will need as much to build a future at peace as we have needed in the past in time of war.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby call upon all Americans to join in commemorating Monday, October 23, 1972, as Veterans Day with suitable observances. I urge all Americans especially to honor the memory of those who have fallen in battle, those of our veterans who lie in hospital beds today, and the brave men held prisoner or missing in action in Southeast Asia, and all their families and dependents. And let us also pledge to accord, not just on one day, but on each day, to the living veterans, especially the disabled, the traditional respect for those who risked their lives that freedom might be preserved. Let all Americans give these veterans a helping hand in their readjustment to civilian life.

Let us, as a people, give them our gratitude and our prayers.

I direct the appropriate officials of Government to arrange for the display of the flag of the United States on that day. And I request the officials of Federal, State and local governments, schools, civic and patriotic organizations to give their enthusiastic support and leadership to appropriate public ceremonies throughout the Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of September, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-seventh.



[FR Doc.72-16536 Filed 9-25-72; 3:49 pm]



## EXECUTIVE ORDER 11685

Amending Executive Order No. 10973, Relating To Administration of Foreign Assistance and Related Functions, and Executive Order No. 11501, Relating To Administration of Foreign Military Sales

By virtue of the authority vested in me by section 621 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2381), and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

## PART 1. FOREIGN ASSISTANCE

Executive Order No. 10973<sup>1</sup> of November 3, 1961, as amended, is hereby amended as follows:

1. Section 101 is amended by redesignating clause (5) as clause (6) and inserting after the comma at the end of clause (4) a new clause (5), as follows:

“(5) section 8(d) of the Act of January 12, 1971 (P.L. 91-672; 84 Stat. 2055),”

2. Subsections (b) and (c) of section 102 are amended to read as follows:

“(b) The Agency shall be headed by an Administrator who shall be appointed pursuant to section 624(a) of the Act.

“(c) The other officers provided for in section 624(a) of the Act shall also serve in the Agency.”

3. Section 103 is revoked.

4. Paragraph (a) of Section 201 is amended by inserting “(except Chapter 4 thereof)” after “Part II”.

5. Section 203 is amended as follows:

(a) In paragraph (a), delete “506(a)” and insert in lieu thereof “505(a)”.

(b) In paragraph (b), delete “506(b)” and insert in lieu thereof “505(b)”.

(c) Paragraph (c) and paragraph (d) are revoked.

(d) A new paragraph (f) is added at the end of section 203 as follows: “(f) Those under section 514 of the Act.”

6. Section 301 is amended as follows:

(a) Paragraph (a) is amended to read as follows:

“(a) The functions conferred upon the President by subsections (a)(2) and (b) of section 514 of the Act and by the second sentence of section 612(a) of the Act.”

(b) A new paragraph (c) is added at the end of section 301 as follows:

<sup>1</sup>26 F.R. 10469, 3 CFR, 1959-1963 Comp., p. 10493.

## THE PRESIDENT

“(c) In carrying out the functions under section 514 of the Act delegated to him by this order, the Secretary of the Treasury shall consult with the Secretary of State.”

7. Section 401 is amended as follows:

(a) In paragraph (a), delete “, and 634(a)” and insert “and” after “633(a).”

(b) In paragraph (c), delete the section numbers therein and insert in lieu thereof “202(b), 205, 303, 481, 505(b)(4), 506(a), 604(a), 610, 614(c), 624(d)(7), 632(b), and 634(c) of the Act.”

(c) In subparagraph (d)(2), delete “506(b) (1), (2), and (3)” and insert in lieu thereof “505(b) (1), (2), and (3).”

(d) Subparagraph (d)(3) is revoked.

(e) A new subparagraph (d)(5) shall be added at the end of paragraph (d) as follows:

“(5) That under the second sentence of section 654(c) with respect to the publication in the *Federal Register* of any finding or determination reserved to the President: *Provided*, that any officer to whom there is delegated the function of making any finding or determination within the purview of section 654(a) is also authorized to reach the conclusion specified in the second sentence of section 654(c) in performance of the function delegated to him.”

(f) Paragraph (g) is amended to read as follows:

“(g) That under section 502 of the Foreign Assistance and Related Programs Appropriation Act, 1972 (86 Stat. 55), with respect to certification.”

8. Section 601 is amended by inserting “, as amended,” after “Foreign Assistance Act of 1961.”

9. Section 604 is amended by adding thereto a new subsection (f), as follows:

“(f) In conformity with section 202(b) of the Act of February 7, 1972 (P.L. 92-226; 86 Stat. 27), references in this order to Part I of the Act shall be deemed to include also chapter 4 of Part II of the Act, and references in this order to Part II of the Act shall be deemed to exclude chapter 4 of Part II of the Act.”

## PART II. FOREIGN MILITARY SALES

Section 1(i) of Executive Order No. 11501<sup>2</sup> of December 22, 1969, is hereby amended by deleting “42(b)” and inserting in lieu thereof “42(c).”



THE WHITE HOUSE,  
September 25, 1972.

[FR Doc.72-16546 Filed 9-25-72; 4:18 pm]

<sup>2</sup> 34 F.R. 20169, 3 CFR, 1966-1970 Comp., p. 884.

# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices) Department of Agriculture

#### PART 61—COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES (INSPECTION, SAMPLING AND CERTIFICATION)

##### Subpart B—Standards for Grades of Cottonseed Sold or Offered for Sale for Crushing Purposes Within the United States

###### QUANTITY INDEX FOR AMERICAN PIMA COTTONSEED

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the U.S. Department of Agriculture hereby amends §§ 61.101 and 61.102 of the Standards for Grades of Cottonseed Sold or Offered for Sale for Crushing Purposes Within the United States (7 CFR 61.101 and 61.102) as set forth below:

*Statement of considerations.* The grading of cottonseed is a voluntary program conducted under the Agricultural Marketing Act of 1946. Under the standards for grades of cottonseed both a quality index and a quantity index are used in determining grades.

An amendment to the standards effective September 4, 1972 (37 F.R. 17818) eliminated linters as a factor in the determination of the quantity index. These amended standards are not suitable for the grading of cottonseed from American Pima cotton. American Pima cotton represents less than 1 percent of total cotton production in the United States. Although only a small amount of cottonseed from American Pima cotton has been officially graded during the past several years, suitable standards for grading this cottonseed should be available in case they are needed for marketing purposes for the 1972 crop.

These amendments provide a quantity index for American Pima cottonseed that would maintain, as nearly as practicable, the same relationship in grading that existed between upland and American Pima cottonseed prior to the recent revision of the standards (37 F.R. 17818).

The amendments are as follows:

1. In § 61.101 a new paragraph (d) is added to read:

§ 61.101 Determination of grade.

(d) Grades for American Pima cottonseed shall be suffixed by the designation "American Pima" or by the symbol "AP."

2. Section 61.102 is amended to read as follows:

§ 61.102 Determination of quantity index.

The quantity index of cottonseed shall be determined as follows:

(a) For upland cottonseed the quantity index shall equal four times percentage of oil plus six times percentage of ammonia, plus 5.

(b) For American Pima cottonseed the quantity index shall equal four times percentage of oil, plus six times percentage of ammonia, minus 10.

(Secs. 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624)

Notice of proposed rule making, public procedure thereon, and the postponement of the effective date of these amendments later than October 9, 1972 (5 U.S.C. 553), are impracticable, unnecessary, and contrary to the public interest in that: (1) The 1972 harvest season for American Pima cotton will begin about the middle of October and it is in the interest of the public and the cotton industry that this amendment be placed in effect before that date; and (2) no extensive preparation by users of the standards is required.

*Effective date.* These amendments shall become effective October 9, 1972.

Dated: September 21, 1972.

E. L. PETERSON,  
Administrator,  
Agricultural Marketing Service.

[FR Doc.72-16414 Filed 9-26-72; 8:48 am]

### Chapter III—Animal and Plant Health Inspection Service, Department of Agriculture

#### PART 301—DOMESTIC QUARANTINE NOTICES

##### Subpart—Cereal Leaf Beetle

###### REGULATED AREAS

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.84-2 of the Cereal Leaf Beetle Quarantine regulations, 7 CFR 301.84-2, as amended, a supplemental regulation designating regulated areas, 7 CFR 301.84-2a, is hereby amended to read as follows:

(A) In § 301.84-2a relating to the State of Illinois, the entire description for that State is changed to read as follows:

###### ILLINOIS

The entire State.

(B) In § 301.84-2a relating to the State of Maryland, the entire description for that State is changed to read as follows:

###### MARYLAND

*Allegany County.* The entire county.  
*Baltimore County.* The entire county.  
*Carroll County.* The entire county.  
*Frederick County.* The entire county.  
*Garrett County.* The entire county.  
*Harford County.* The entire county.  
*Howard County.* The entire county.  
*Montgomery County.* The entire county.  
*Washington County.* The entire county.

(C) In § 301.84-2a relating to the State of Virginia, the following counties are added and should be listed in alphabetical order as follows:

###### VIRGINIA

*Clarke County.* The entire county.  
*Culpeper County.* The entire county.  
*Fauquier County.* The entire county.  
*Madison County.* The entire county.  
*Rappahannock County.* The entire county.  
*Spotsylvania County.* The entire county.  
*Stafford County.* The entire county.  
*Warren County.* The entire county.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 103, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 34 F.R. 5713; 7 CFR 301.84-2)

This amendment shall become effective upon publication in the FEDERAL REGISTER (9-27-72).

The Deputy Administrator of the Plant Protection and Quarantine Programs has determined that infestations of the cereal leaf beetle exist or are likely to exist in the civil divisions and parts of civil divisions listed as regulated areas, or that it is necessary to regulate such areas because of their proximity to cereal leaf beetle infestations or their inseparability for quarantine enforcement purposes from cereal leaf beetle infested localities.

The Deputy Administrator has further determined that each of the quarantined States, wherein only portions of the State have been designated as regulated areas, is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the cereal leaf beetle. Therefore, such civil divisions and parts of civil divisions listed above are designated as cereal leaf beetle regulated areas.

This amendment adds to the cereal leaf beetle regulated areas all of the following previously nonregulated counties: Carroll, Frederick, Howard, and

Montgomery Counties in Maryland; Clarke, Culpeper, Fauquier, Madison, Rappahannock, Spotsylvania, Stafford, and Warren Counties in Virginia; and all of the previously nonregulated counties in Illinois. The entire State of Illinois is now regulated.

This document imposes restrictions that are necessary in order to prevent the dissemination of the cereal leaf beetle and should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing regulation are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the *FEDERAL REGISTER*.

Done at Washington, D.C., this 20th day of September, 1972.

T. G. DARLING,  
Acting Deputy Administrator,  
Plant Protection and Quarantine Programs.

[FR Doc.72-16466 Filed 9-26-72;8:52 am]

## PART 301—DOMESTIC QUARANTINE NOTICES

### Subpart—Cereal Leaf Beetle

#### EXEMPTIONS

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.84-2 of the Cereal Leaf Beetle Quarantine regulations (7 CFR 301.84-2 as amended), a supplemental regulation granting exemption from specified requirements of the regulations is hereby issued to appear in 7 CFR 301.84-2b as set forth below. The Deputy Administrator of Plant Protection and Quarantine Programs has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

#### § 301.84-2b Exempted articles.<sup>1</sup>

(a) The following articles are exempt from the certification and permit requirements of this subpart if they meet the applicable conditions prescribed in subparagraphs (1) through (3) of this paragraph and have not been exposed to infestation after cleaning or other handling as prescribed in said subparagraphs:

(1) Small grains, except oats and barley, if cleaned to meet State seed sales requirements of the State of origin.

(2) Grass and forage seed, if cleaned to meet State seed sales requirements of the State of origin.

(3) Soybeans, if transported in covered vehicles and moved to designated

<sup>1</sup> The articles hereby exempted remain subject to applicable restrictions under other quarantines.

plants;<sup>2</sup> or, if cleaned to meet State seed sales requirements of the State of origin.

(b) The following articles are exempt from the certification, permit, and other requirements of this subpart, under the applicable conditions prescribed in subparagraphs (1) through (6) of this paragraph:

(1) Small grains, such as barley, oats, and wheat, from December 1 of any year through the following May 31.

(2) Soybeans from March 16 of any year through the following August 31.

(3) Ear corn, other than sweet or fresh market corn, from April 1 of any year through the following July 31.

(4) Hay, except marsh hay, from January 16 of any year through the following April 30.

(5) Straw and marsh hay from March 1 of any year through the following May 31.<sup>2</sup>

(6) Small grains, soybeans, ear corn, straw and hay, grass sod, grass and forage seed, fodder and plant litter, used harvesting machinery, and Christmas trees, if moved to destinations east of and including Illinois, Mississippi, Michigan (other than the Upper Peninsula), and portions of Kentucky and Tennessee east of Kentucky Lake and the Tennessee River, except to Florida, Vermont, and Puerto Rico: *Provided*, That these articles are not diverted or reshipped to points west of this area or into Florida, Vermont, or Puerto Rico.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended, 7 CFR 301.84-2, 36 F.R. 18779)

This exemption shall become effective upon publication in the *FEDERAL REGISTER* (9-27-72), when it shall supersede the list of exempted articles 7 CFR 301.84-2b which became effective September 22, 1971.

The purpose of this revision is to exempt all regulated articles if moving to certain destinations as specified in § 301.84-2b(b) (6).

Inasmuch as this document relieves restrictions, it should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions being relieved. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this revision are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the *FEDERAL REGISTER*.

Done at Washington, D.C., this 20th day of September 1972.

T. G. DARLING,  
Acting Deputy Administrator,  
Plant Protection and Quarantine Programs.

[FR Doc.72-16467 Filed 9-26-72;8:52 am]

<sup>2</sup> Any plant is eligible for designation under this subpart if the operator applies approved pesticides as outlined by the inspector and enters into a compliance agreement (as defined in § 301.84-1(c)). Information as to designated plants may be obtained from the inspector.

## PART 301—DOMESTIC QUARANTINE NOTICES

### Subpart—Golden Nematode

#### REGULATED AREAS

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.85-2 of the Golden Nematode Quarantine regulations, 7 CFR 301.85-2, as amended, a supplemental regulation designating regulated areas, 7 CFR 301.85-2a, is hereby amended to read as follows:

#### § 301.85-2a Regulated areas; suppressive and generally infested areas.

The civil divisions and parts of civil divisions described below and all highways abutting thereon are designated as golden nematode regulated areas within the meaning of the provisions of this subpart, and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

#### NEW YORK

##### (1) Generally infested area:

*Nassau County*. The entire county.

*Suffolk County*. The entire county.

##### (2) Suppressive area:

*Steuben County*. The towns of Prattsburg and Wheeler.

*Yates County*. The town of Italy.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 36 F.R. 4691; 7 CFR 301.85-2)

This amendment shall become effective upon publication in the *FEDERAL REGISTER* (9-27-72).

The purpose of this revision is to change the regulated area in Steuben and Yates Counties from generally infested to suppressive. The objective now in these counties is eradication of the infestations and the Deputy Administrator is therefore designating Steuben and Yates Counties as suppressive areas.

This document imposes restrictions that are necessary in order to prevent the dissemination of the golden nematode and should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing regulation are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the *FEDERAL REGISTER*.

Done at Washington, D.C., this 20th day of September 1972.

T. G. DARLING,  
Acting Deputy Administrator,  
Plant Protection and Quarantine Programs.

[FR Doc.72-16417 Filed 9-26-72;8:48 am]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

#### PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

##### Areas Quarantined

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, and 134f), Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

In § 82.2, in paragraph (a) (1) relating to the State of California, subdivision (iii) relating to Fresno County; (iv) and (vi) relating to Kings County; (v) relating to Kern County; (ix) and (x) relating to Santa Barbara County are deleted, and a new subdivision (ii) relating to San Luis Obispo County is added to read:

##### § 82.2 Areas quarantined.

(a) \* \* \*

(1) *California.*

(ii) The premises of Julius Goldman's Egg City, located south of the city of Arroyo Grande in San Luis Obispo County and bounded by a line beginning at the junction of El Campo Road (County Road No. 28) and Los Berros Road (County Road No. 134); thence, following Los Berros Road (County Road No. 134) in a generally northwesterly direction to the Lemos Easement Road; thence, following the Lemos Easement Road in a southwesterly direction to the Porticos Easement Road; thence, following the Porticos Easement Road in a southeasterly direction to El Campo Road (County Road No. 28); thence, following El Campo Road (County Road 28) in a northeasterly direction to its junction with Los Berros Road (County Road 134).

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505.)

**Effective date.** The foregoing amendments shall become effective upon issuance.

The amendments quarantine a portion of San Luis Obispo County in California because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds,

and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, apply to the quarantined area.

The amendments exclude portions of Fresno, Kern, Kings, and Santa Barbara Counties in California from the areas quarantined because of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the excluded areas.

The amendments impose certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish their purpose in the public interest. The amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to the affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 22d day of September 1972.

KENNETH M. McENROE,  
Acting Administrator, Animal  
and Plant Health Inspection Service.  
[FR Doc.72-16465 Filed 9-28-72;8:52 am]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 12263; Amdt. 39-1523]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Rolls Royce Spey Model 555-15 Series Engines

There have been reports of chafing between the fuel tubes which run between the airflow control regulator and the R.P.M. signal transmitter, and between the fuel-flow regulator and the shutoff valve, on Rolls Royce Spey Model 555-15 series engines that could result in leakage of fuel under pressure into the engine compartment and an engine fire. Since this condition is likely to exist or

develop in other engines of the same type design, an airworthiness directive is being issued to require inspection of these fuel lines for evidence of fretting and repair or replacement, as necessary, on Rolls Royce Spey Model 555-15 series engines.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

Rolls Royce (1971) Ltd. Applies to Rolls Royce Spey Model 555-15 series engines on which Spey Modification 5046 has now been incorporated. These engines are installed on, but not necessarily limited to, Fokker Model F-28 airplanes.

Compliance is required within the next 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 975 hours' time in service prior to the effective date of this AD, and thereafter at intervals not to exceed 1,000 hours' time in service from the last inspection until Spey Modification 5046 is incorporated.

To prevent fretting of fuel tubes which could cause leakage of fuel under pressure into the engine compartment, accomplish the following:

(A) Inspect tubes, P/N's EU.20154A and EU.67548A, which run between the airflow control regulator and the R.P.M. signal transmitter and between the fuel-flow regulator and the shutoff valve, respectively, for fretting and consequent loss of sectional thickness where the tubes meet immediately behind the P<sub>a</sub> connection on the fuel-flow regulator.

(B) If evidence of fretting is found during an inspection required by paragraph (A), before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be performed, remove the tubes P/N's EU.20154A and EU.67548A, and either:

(1) Rework and reinstall the affected tubes in accordance with Rolls Royce Spey Service Bulletin No. Sp 73-A161 dated February 2, 1972, or an FAA-approved equivalent; or

(2) Replace the affected tubes with serviceable tubes of the same part number in accordance with Rolls Royce Spey Service Bulletin No. Sp 73-A161 dated February 2, 1972, or an FAA-approved equivalent.

This amendment becomes effective October 2, 1972.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on September 21, 1972.

C. R. MELUGN, Jr.,  
Acting Director,  
Flight Standards Service.

[FR Doc.72-16380 Filed 9-26-72;8:45 am]

[Airspace Docket No. 72-EA-68]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****PART 73—SPECIAL USE AIRSPACE****Alteration of Restricted Area and Continental Control Area and Designation of Transition Area**

On July 28, 1972, a notice of proposed rule making (NPRM) was published in the *FEDERAL REGISTER* (37 F.R. 15170) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would alter Restricted Area R-5203 at Oswego, N.Y., and the continental control area and designate a transition area at Oswego, N.Y.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received on the airspace actions proposed.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., December 7, 1972, as hereinafter set forth.

1. § 71.151 (37 F.R. 2045) is amended by adding "R-5203 Oswego, N.Y."

2. § 71.181 (37 F.R. 2143) is amended by adding the Oswego, N.Y., transition area as follows:

Oswego, N.Y.

"That airspace extending upward from 1,200 feet AGL beginning at lat. 43°37'00" N., long. 76°45'00" W.; to lat. 43°24'00" N., long. 76°45'00" W.; to lat. 43°24'00" N., long. 78°00'00" W.; to lat. 43°37'00" N., long. 78°00'00" W.; to the point of beginning."

3. In § 73.52 (37 F.R. 2364) the Oswego, N.Y., Restricted Area R-5203 is amended by deleting designated altitude, time of designation, and using agency in their entirety and substituting the following therefor:

"Designated Altitudes. Surface to Flight Level 500."

"Time of Designation. Continuous."

"Controlling Agency. Federal Aviation Administration, Cleveland ARTC Center."

"Using Agency. Commander, 107th Fighter Group, Niagara Falls International Airport."

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on September 20, 1972.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[FR Doc.72-16382 Filed 9-26-72;8:45 am]

[Airspace Docket No. 71-EA-167]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****Designation of Transition Area;  
Correction****Correction**

In F.R. Doc. 72-15254 appearing on page 18183 of the issue for Friday, September 8, 1972, in the definition of Warning Area W-107, Atlantic City, N.J., the second set of coordinates in the 14th line, now reading "39°05'10'", should read "39°51'10'".

**Title 20—EMPLOYEES'  
BENEFITS****Chapter V—Manpower Administration,  
Department of Labor****PART 625—DISASTER  
UNEMPLOYMENT ASSISTANCE**

On page 16104 of the *FEDERAL REGISTER* of August 10, 1972, there was published a notice of proposed rulemaking to revise § 625.9(c)(1) by providing for certain additional deductions from disaster unemployment assistance payable to an applicant. Interested persons were given 30 days in which to submit written data, views, or arguments regarding the proposed changes.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

**Effective date:** These amendments shall be effective 30 days after publication in the *FEDERAL REGISTER*.

Signed at Washington, D.C., this 21st day of September 1972.

J. D. HODGSON,  
Secretary of Labor.

As amended, § 625.9(c)(1) reads as follows:

§ 625.9 Amount.

\* \* \* \* \*

(c) **Deductions.** The disaster unemployment assistance payable to an applicant for a week shall be reduced by:

(1) The amount of any of the following that an applicant has received for the week or would receive for the week if he filed a claim or application therefor and took all procedural steps necessary under the appropriate law or insurance policy:

(i) Regular unemployment compensation, additional unemployment compensation, extended unemployment compensation, and any other unemployment compensation under a State or Federal unemployment compensation law, or

\* \* \* \* \*

(vii) Any workmen's compensation by virtue of the death of the head of the household as the result of the major disaster in the major disaster area, prorated by weeks, if the applicant is within the provisions of § 625.8(a)(7).

[FR Doc.72-16443 Filed 9-26-72;8:50 am]

**Title 21—FOOD AND DRUGS****Chapter I—Food and Drug Administration,  
Department of Health, Education, and Welfare****SUBCHAPTER A—GENERAL****PART 3—STATEMENTS OF GENERAL  
POLICY OR INTERPRETATION****Hexachlorophene as a Component in  
Drug and Cosmetic Products for  
Human Use**

A notice of proposed rule making was published in the *FEDERAL REGISTER* of January 7, 1972 (37 F.R. 219), entitled "Antibacterial Ingredients in Drug and Cosmetic Products for Repeated Daily Human Use" and corrected in the *FEDERAL REGISTER* of January 25, 1972 (37 F.R. 1116). In the January 7, 1972, document, the Commissioner of Food and Drugs proposed to establish guidelines, pending review by an OTC Drug Advisory Review Panel, for the continued marketing of products intended for repeated daily human use, and containing one or more antibacterial ingredients to achieve a specific drug or cosmetic purpose, to act as a preservative, or both. Interested persons were invited to submit comments on the proposal within 60 days.

For the purpose of clarity and specificity the term "antibacterial ingredients" is deleted from the title of this publication and is replaced by the term "hexachlorophene" in both the title and the text of the document. The qualification of "Repeated Daily" human use is also no longer pertinent and has been deleted. More than 250 comments were received regarding the January 7, 1972, notice of proposed rule making.

Since receipt of these comments, a number of infant deaths have occurred in France due to use of a baby powder accidentally contaminated with 6 percent hexachlorophene. The central nervous system lesions in these infants were identical to those that have been produced in experimental animals exposed to hexachlorophene. There remains no doubt that hexachlorophene is a potent human neurotoxin at high levels of use; e.g., 3 percent emulsion and 6 percent in powder.

Moreover, even under previously recommended conditions of use, there is new evidence that neurologic damage may be produced. Recent data from the University of Washington indicate that there is a positive correlation between three or more exposures to hexachlorophene bathing with 3 percent hexachlorophene emulsion and lesions found



in the brainstem in premature infants who died of unrelated causes. At present the agency has no evidence of toxicity from the use of 0.75 percent or below. However, prudence requires pending further research in the pathogenesis of the neurologic lesions the public be protected from exposure to unneeded hexachlorophene.

Information on the data from France, the University of Washington, and other information are on display in the office of the Hearing Clerk and may be seen during normal working hours in Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852.

The following is a summary of comments received by the Food and Drug Administration:

1. Numerous comments indicated that the long years of use of hexachlorophene have established its safety. The Food and Drug Administration is aware that hexachlorophene has been considered to be safe for many years. It is only recently that information on hexachlorophene toxicity, including deaths, has become known at high levels.

2. Some comments stated that it unreasonable to extrapolate quantitative levels of toxicity from other species to man, and that the studies cited by the Food and Drug Administration are not sufficient to support the proposed limitation on hexachlorophene. There are now ample studies in man to show that toxic amounts of hexachlorophene can be absorbed through the skin of humans, especially damaged skin. Human toxicity reports include data on symptomatology, blood and tissue levels of hexachlorophene, and descriptions of neuropathologic lesions. The contention that the lesion is reversible following discontinuing hexachlorophene usage has not been shown to be true at high-level exposures to hexachlorophene. At sublethal exposures clinical followups will be needed to determine the extent of residual damages.

3. A comment stated that there remained unanswered questions regarding the meaning of changes in the white matter of brain found in monkeys washed with 3 percent hexachlorophene, and that similar changes have been described as occurring with other substances. The Commissioner of Food and Drugs concludes that there are still unanswered questions regarding the changes seen in the white matter of the brain, but the lesions found in the experimental animals and in humans after hexachlorophene exposure have been sufficiently consistent to indicate a predictable neurological effect. Prudence requires that pending further research of the pathogenesis of the white matter lesion, the public be protected from unneeded exposure to hexachlorophene.

4. Studies were submitted to show that blood levels of hexachlorophene in the general population are very low. The studies cited are characterized by lack of precise information on exposure. Moreover, even though the mean blood levels may be low, the upper extreme of the distribution includes high levels. Pre-

vious studies have established that 3 percent of the total dose of hexachlorophene applied to intact adult skin is absorbed, and that the rate of absorption is almost constant, from 0 to 120 hours after application. There is also evidence that skin of premature infants and damaged or burned skin permit accelerated absorption.

5. It was argued in some comments that there is evidence that the nonuse or abrupt curtailment of hexachlorophene is responsible for widespread outbreaks of staphylococcal infections in hospital nurseries. The control of nosocomial infections is best directed by the medical profession. Studies to date indicate that the control of infections in nurseries may be dealt with in a variety of ways provided that good infection control practices are in effect. There are data to show that some nurseries, where it was a standard procedure to bathe babies with products containing hexachlorophene have experienced an increase in staphylococcal infections when such products were discontinued; while, other nurseries are able to control nosocomial infections without the use of such products. The Commissioner concludes that it is in the public interest to require a prescription for all hexachlorophene containing products, except at preservative levels. This will enable physicians to weigh the risk of hexachlorophene toxicity against the efficacy of hexachlorophene in infection control. The prescription dispensing requirement for a drug is satisfied by a physician's order governing infection control procedures for a nursery or department under his direction. This includes the use of products for hand washing by physicians and paramedical personnel as well as bathing of babies; e.g., a drug dispensed by this means is silver nitrate used in the eyes of newborn infants.

6. One comment alleges that hexachlorophene is unquestionably effective for washing the face and is useful as a drug in treatment of acne. The comment further alludes to the effectiveness of such products by referral to the NAS/NRC rating of hexachlorophene products. The interpretation is erroneous. In the FEDERAL REGISTER of December 8, 1971 (36 F.R. 23330), the Food and Drug Administration published the Drug Efficacy Study evaluations (DESI 6270) rating such products effective for use as bacteriostatic skin cleanser, including surgical scrub. However, for use in the treatment of impetigo in newborns, other staphylococcal skin infections, cradle cap, and in helping to clear acne, these products are rated only as possibly effective. A rating of "possibly effective" means that there is little evidence of effectiveness for the given indication.

7. The opinion was offered that since the Food and Drug Administration considers a product containing 3 percent hexachlorophene appropriate for washing the hands of hospital personnel, it is appropriate for use in washing the hands of food handlers to prevent contamination of food. The use of 3 percent hexachlorophene preparations for hand

washing by food handlers cannot be equated with its use for hand washing by surgeons or hospital personnel. Physicians in the hospital environment are treating patients who are under stressful conditions, which make them peculiarly susceptible to infection, and under conditions where pathogenic organisms are known to be prevalent and easily transmitted. The Food and Drug Administration acknowledges the need for food handlers to wash their hands thoroughly. Pending the conclusion of the OTC Review Panel other antibacterial agents will be available for use. The OTC Review Panel will review the safety and effectiveness of such agents.

8. It was suggested in a comment received that to apply a "caution" statement to a product known to be safe under reasonably anticipated use is deceptive to the consumer since it implies a hazard which does not exist. Other comments related to the nonapplicability of the proposed over-the-counter caution statement to products such as first-aid creams, suntan and sunburn lotions containing 0.75 percent hexachlorophene or less, which when used as directed are not intended to be rinsed from the skin surface. One firm specifically commented that industrial creams containing no more than 0.75 percent hexachlorophene, and intended to be used under conditions which require protection from exposure to solvents, should be allowed to be marketed for their intended use at the discretion of the user, provided adequate directions are conveyed to the user. The Commissioner of Food and Drugs concludes that the evidence is such that the questions regarding the warning statement are moot since the benefits of hexachlorophene in OTC products do not outweigh its potential hazard. The Commissioner concludes there is presently no justification for continued production or shipment of these OTC products.

9. One comment alleged hexachlorophene is a substance with a high potential for harm and low evidence of benefit. It further stated that consumer protection demands that products containing hexachlorophene at levels from 0.1 to 0.75 percent be dispensed by prescription only, and that products containing more than 0.75 percent be stricken from the market until their safety and efficacy are scientifically demonstrated. The Food and Drug Administration has reviewed data published by the Center for Disease Control, Department of Health, Education, and Welfare, in the "Morbidity and Mortality Weekly" Vol. 21, No. 30, July 29, 1972. This report shows that in some hospital nurseries which discontinued washing babies with hexachlorophene containing products there was a rise in the incidence of staphylococcal infections, thereby suggesting efficacy of hexachlorophene bathing in the control of staphylococcal nursery infection. The Commissioner concludes that hexachlorophene should be retained for use

when necessary as a bacteriostatic skin cleanser for the control of gram-positive infection as an interim measure until alternative, safer measures for gram-positive infection control have been developed. On the basis of the data from France and the University of Washington and the OTC Panel Review, preparations containing over 0.1 percent hexachlorophene are limited to prescription use.

10. Comments were received from manufacturers of specialty products, including one from a firm which incorporates hexachlorophene into plastic resins used for manufacturing products which come in direct contact with the skin. The comments allude to the inequity of the proposal which has created a question of safety regarding such products where topical application is not involved. The Food and Drug Administration has no information on the safety or effectiveness of these products and they may not fall within the purview of this order. Such products will be considered on an individual basis and if they are not subject to one of the laws administered by the Food and Drug Administration may nevertheless be subject to Federal Trade Commission or Environmental Protection Agency jurisdiction with respect to safety.

11. One comment recommends that the proposal be changed to specify the method by which the quantity of hexachlorophene, as an active ingredient or as a preservative, should be calculated in determining the percentage in the finished product. The Commissioner considers this comment valid and a provision has been added to establish a uniform method to calculate and declare the quantity of hexachlorophene in products.

12. A number of comments were received stating that because hexachlorophene is included in the category of OTC antimicrobials scheduled for review, the proposal reaches scientific conclusions which are presumably the function of the OTC Drug Advisory Review Panel. In addition, the comments stated that the statement of policy would cause a bias, and if adopted, would represent an unwarranted, unscientific, and injudicious, restriction prior to the panel's review, in that it would be awkward for the OTC Drug Advisory Review Panel to reach any conclusions which are in contrast to the statement of policy. In conjunction with this comment it is stated, as further support for the request to await the Advisory Committee review, that consideration should be given to the fact that in manufacturers' efforts to conform to the statement of policy, many products would be removed from the market or would be reformulated. Even with the most careful reformulations, and with due evidence of safety in the hands of the manufacturers, before issuance of the panel's monograph, many reformulated products may contain other ingredients which are subsequently questioned by the panel and would require additional reformulation. A more

orderly situation, it is contended, would result if reformulation took place after manufacturers had the benefit of the panel's monograph, in order to avoid the possibility of multiple reformulations, confusion, and economic loss to manufacturers. The FDA OTC Antimicrobial Panel has met and reviewed available animal and human toxicity of hexachlorophene, including the recent data from France and the University of Washington. The interim recommendation of the Panel is that hexachlorophene is not safe for use as an active ingredient in OTC antimicrobial products. This statement of policy on hexachlorophene will apply pending any further panel recommendations or any new evidence on the safety or effectiveness of hexachlorophene. The Commissioner concludes that sufficient evidence is on hand to necessitate restrictive action of hexachlorophene containing products now, and that delay is unjustifiable.

13. A number of comments objected to the statement in the proposal that antibacterial ingredients used as substitutes for hexachlorophene in cosmetic products, as well as the finished product, must be adequately tested for safety prior to marketing, and that any such ingredient or product whose safety is not adequately substantiated will be deemed misbranded, unless it bears a conspicuous front panel statement that the product has not been adequately tested for safety and may be hazardous. No comment argued that a consumer product may properly be marketed without first substantiating its safety, but it was contended that the concept of an implied warranty of merchantability and fitness for purpose is a matter of civil liability under the Uniform Commercial Code that is outside the Food and Drug Administration's province. Concern was also expressed that the Food and Drug Administration was attempting to force premarketing clearance of cosmetics through this requirement of safety substantiation. The Commissioner does not agree with these comments. This requirement means only that the manufacturer or distributor must have adequate scientific data in his files to substantiate the safety of the ingredients he uses, and the final products in which they are used. Under present law, such data need not be submitted to the Food and Drug Administration, and if a manufacturer wishes voluntarily to submit it to FDA he need not await FDA approval prior to marketing a product. This requirement of adequate substantiation is intended to reflect the basic requirement under the Federal Food, Drug, and Cosmetic Act, that labeling may not be false or misleading in any particular, and that the failure to reveal material facts can be as misleading as the use of false statements. As the comments recognized, under the Uniform Commercial Code, the marketing of a product in itself constitutes an implied representation that the product is merchantable and reasonably fit for its intended purpose. The courts have held that a failure to adequately test a

product to substantiate its safety, resulting in injury to the user, violates these implied warranties and also constitutes negligence. The Federal Trade Commission has similarly ruled that safety must be substantiated prior to marketing. Failure to follow this fundamental principle of substantiating the safety of both the ingredients and the finished product prior to marketing, without a prominent label statement advising the consumer of that fact, is therefore grossly misleading. Accordingly, this provision is retained in the final regulation.

14. Several comments expressed the opinion that many drugs containing hexachlorophene are generally recognized as safe and effective and/or are covered by one or both of the "grandfather" clauses in the Act, and thus that a new drug application may not be required for such products. For the reasons outlined in previous paragraphs, there are substantial questions about the safety of hexachlorophene. Although at one time hexachlorophene may have been generally recognized as safe and effective, recent toxicity data, together with questions raised about the usefulness of topical antibacterial ingredients, no longer permit this conclusion. The parameters, within which topical antimicrobial ingredients are generally recognized as safe and effective and not misbranded, are presently under consideration by a panel under the OTC Drug Review. Unless and until that panel issues its final report and a monograph is effective for this category of ingredients no products containing hexachlorophene will be permitted OTC, and an NDA will be required for all drugs containing hexachlorophene at higher than preservative levels. Since any change in formulation or labeling precludes reliance on the "grandfather" clauses, and since it is unlikely that any product containing hexachlorophene has not changed its formulation or labeling since 1962, or in any event will not be required to make such a change under this regulation, it is highly doubtful that there is any drug containing hexachlorophene which may claim "grandfather" protection. Accordingly, the Food and Drug Administration will institute regulatory action against any drug containing hexachlorophene for which an NDA is not submitted within the time period permitted by this regulation.

#### CONCLUSIONS

The limitations proposed for hexachlorophene preparations in the FEDERAL REGISTER of January 7, 1972 (37 F.R. 219), are inadequate to protect the public health. Since that time new data received by the FDA clearly establish the toxicity of hexachlorophene, especially on the skin of premature infants or damaged skin. On the other hand, data are also available which support the efficacy of hexachlorophene as an aid in control of staphylococcal infections in hospital nurseries (the CDC study cited in item 9 above). The Commissioner thus concludes, based on the current benefit to risk ratio, as follows:

1. Hexachlorophene may continue to be used in cosmetics and drug preparations as a preservative only at levels not to exceed 0.1 percent.

2. There are presently no data to support a safe and effective OTC use for hexachlorophene.

3. Hexachlorophene as a prescription drug is not generally recognized as safe and effective and thus is limited to use under an approved new drug application for bacteriostatic skin cleansing and for the control of an outbreak of gram-positive infection where other infection control procedures have been unsuccessful. The physician is to be warned against use of hexachlorophene on burned, or denuded skin or on mucous membranes, or in routine prophylactic total body bathing and advised that hexachlorophene should be rinsed thoroughly after use. When, in a physician's judgment, a staphylococcal infection outbreak warrants the institution of measures beyond routine infection control practices, he may prescribe hexachlorophene, in the light of the warnings and precautions defined in the labeling. This use should generally be limited to short-term use and precludes routine prophylactic total body bathing.

To implement these conclusions and to protect adequately the public health, the Commissioner determines that the following procedures shall apply to outstanding stocks of products containing hexachlorophene:

a. Powders labeled for infant use containing above 0.75 percent hexachlorophene shall be recalled by the manufacturer. Baby powders are of particular concern because they are not rinsed off, are repeatedly applied, and are covered by diapers.

b. Those products other than powders labeled for infant use containing above 0.75 percent hexachlorophene in retail pharmacies shall immediately be removed from customer shelves to the prescription drug area of the pharmacy and shall be limited to distribution on a prescription of a physician. In medical institutions hexachlorophene products shall be restricted to prescription use. Such products in the hands of grocery stores or other nonprofessional outlets where there is no pharmacy shall be recalled by the manufacturer and may be relabeled as prescription drugs, if suitable.

c. The existing supplies of those products including those powders labeled for infant use, containing 0.75 percent or less hexachlorophene, need not be recalled by the manufacturer. These preparations are primarily soaps which are intended to be washed off. It is concluded that the public health is protected adequately by measures to control further production and shipment. Existing stocks in stores may be utilized. There is no data showing that the continued use of the limited stocks of such products presents a health hazard. Cessation of production and shipment is directed as a matter of prudence and sound medical caution pending the availability of further safety data. Production and shipment shall cease immediately upon publication of this order in the *FEDERAL REGISTER* (9-27-72).

d. Manufacturers of those products which are the subject of approved NDA's shall supplement their applications in accord with the requirements of this statement, to provide for reformulation and/or relabeling as necessary. Action to withdraw approval of new drug applications will be initiated if supplements have not been received within the time limits provided in this statement.

e. The Food and Drug Administration will contact professional societies and trade associations to help implement this policy by disseminating this information.

Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 502 (a), (f), (j) 503(b), 505, 601(a), 602(a), (c), 701(a), 52 Stat. 1041, 1050-55 as amended; 21 U.S.C. 321(n), 352 (a), (f), (j), 353(b), 355, 361(a), 362 (a), (c), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to Part 3:

**§ 3.91 Hexachlorophene, as a component of drug and cosmetic products.**

(a) *Antibacterial component.* The use of hexachlorophene as an antibacterial component in drug and cosmetic products has expanded widely in recent years. It is used in such products because of its bacteriostatic action against gram-positive organisms, especially against strains of staphylococcus; however, hexachlorophene offers no protection against gram-negative infections. In addition the antibacterial activity depends largely on repeated use. A notice published in the *FEDERAL REGISTER* of April 4, 1972 (37 F.R. 6775), invited data on OTC antimicrobial ingredients, including hexachlorophene, for review by an OTC Drug Advisory Review Panel to be convened under the procedures set forth in the *FEDERAL REGISTER* of May 11, 1972 (37 F.R. 9464). This statement of policy will remain in effect unless and until replaced by a monograph resulting from the OTC Drug Advisory Review Panel.

(b) *Adverse effects.* Though considered safe for many years, recent information has become available associating hexachlorophene with toxic effects, including deaths. Studies have shown that toxic amounts of hexachlorophene can be absorbed through the skin of humans, especially the skin of premature babies or damaged skin. Human toxicity reports include data on symptomatology, blood and tissue levels of hexachlorophene, and descriptions of neuropathologic lesions. Recent infant deaths due to use of baby powder accidentally contaminated with 6 percent hexachlorophene have occurred. The accumulated evidence of toxicity is sufficient to require that continued marketing of hexachlorophene containing products be carefully defined in order to protect consumers.

(c) *Prescription drugs.* (1) Because of their potential for harmful effect, drugs containing hexachlorophene, other than as a preservative as described below, are

not considered to have been shown to be safe and effective, are regarded as new drugs requiring approved new drug applications, and would be misbranded for over-the-counter distribution. In the interest of public health protection, hexachlorophene containing drugs will be regarded as misbranded and subject to regulatory proceedings unless the label bears the legend "Caution: Federal law prohibits dispensing without a prescription," and the labeling on or within the package from which the drug is to be dispensed bears adequate information for its safe and effective use by practitioners, in accord with § 1.106(b) (3) of this chapter.

(2) The Food and Drug Administration recognizes that hexachlorophene is useful as a bacteriostatic skin cleanser. It further concludes that the margin of safety is such that products containing hexachlorophene may appropriately be used within clearly delineated conditions of use.

(3) In order for such drugs to bear adequate information for safe and effective use the following statements are representative of the type of labeling for products shown to be effective bacteriostatic skin cleansers. Labeling for products other than bacteriostatic skin cleansers will be determined through the new drug procedures based on the available data.

(1) In the labeling other than on the immediate container label.

**INDICATIONS**

1. Bacteriostatic skin cleanser for surgical scrubbing or handwashing as part of patient care.
2. For topical application to control an outbreak of gram-positive infection where other infection control procedures have been unsuccessful. Use only as long as necessary for infection control.

**CONTRAINDICATIONS**

1. Not for use on burned or denuded skin or on mucous membranes.
2. Not for routine prophylactic total body bathing.

**WARNINGS**

Rinse thoroughly after use. Patients should be closely monitored and use should be immediately discontinued at the first sign of any of the symptoms described below. Hexachlorophene is rapidly absorbed and may produce toxic blood levels when applied to skin lesions such as ichthyosis congenita or the dermatitis of Letterer-Siwe's syndrome or other generalized dermatologic conditions. Application to burns has also produced neurotoxicity and death.

Infants have developed dermatitis, irritability, generalized clonic muscular contractions and decerebrate rigidity following application of a 6 percent hexachlorophene powder. Examination of brainstems of these infants revealed vacuolization like that which can be produced in newborn experimental animals following repeated topical application of 3 percent hexachlorophene. Moreover, a study of histologic sections of premature infants who died of unrelated causes has shown a positive correlation between hexachlorophene baths and lesions in white matter of brain.

(11) On the immediate container label prominently displayed and in bold print:

"Special Warning: This compound may be toxic if used other than as directed. Rinse thoroughly after use. Monitor patients closely for toxicity symptoms."

(4) Marketing of products for the indications listed in subparagraph (3) of this paragraph may be continued if all the following conditions are met after the effective date of this section (9-27-72):

(i) The product is labeled with the prescription legend and adequate information for safe and effective use as set forth in subparagraph (3) of this paragraph.

(ii) Within 30 days, or by (10-27-72) the holder of an approved new drug application submits a supplement to provide for the revised label and full disclosure labeling. As the label and labeling will have been put into use, the supplement should be submitted under the provision of § 135.9(d) of this chapter.

(iii) Within 30 days, or by (10-27-72) the holder of an approved new drug application submits a supplement to provide for a revised formulation where appropriate to comply with this order.

(iv) Within 90 days, or by (12-26-72) the holder of an approved new drug application submits a supplement containing blood level data obtained from use of the drug as recommended, unless such information is a part of the new drug application file.

(v) Within 90 days, or by (12-26-72), the manufacturer or distributor of such a drug for which a new drug approval is not in effect submits a new drug application in accord with § 130.4 of the new drug regulations (21 CFR 130.4), including blood level data obtained from use of the drug as recommended.

(5) Prescription drug products may contain hexachlorophene as part of an effective preservative system under the conditions and limitations as provided for under paragraph (d) of this section.

(d) *Over-the-counter (OTC) drugs.* Over-the-counter drug products may contain hexachlorophene only as part of an effective preservative system, at a level that is no higher than necessary to achieve the intended preservative function, and in no event higher than 0.1 percent. Such use of hexachlorophene shall be limited to situations where an alternative preservative has not yet been shown to be as effective or where adequate integrity and stability data for the reformulated product are not yet available. This use of hexachlorophene will not, by itself, require an approved new drug application. Use of hexachlorophene as a preservative at a level higher than 0.1 percent is regarded as a new drug use requiring an approved new drug application, which must be submitted within the time set out in paragraph (c) (4) of this section.

(e) *Cosmetics.* Hexachlorophene may be used as a preservative in cosmetic products, at a level that is no higher than necessary to achieve the intended preservative function, and in no event

higher than 0.1 percent. Such use of hexachlorophene shall be limited to situations where an alternative preservative has not yet been shown to be as effective or where adequate integrity and stability data for the reformulated product are not yet available. The component of a preservative system, whether hexachlorophene or other antimicrobial agent, should be selected on the basis of the effect on the total microbial ecology of the product, not merely on gram-positive bacteria.

(1) Adequate safety data do not presently exist to justify wider use of hexachlorophene in cosmetics.

(2) Antibacterial ingredients used as substitutes for hexachlorophene in cosmetic products, and finished cosmetic products containing such ingredients, shall be adequately tested for safety prior to marketing. Any such ingredient or product whose safety is not adequately substantiated prior to marketing may be adulterated and will in any event be deemed misbranded unless it contains a conspicuous front panel statement that the product has not been adequately tested for safety and may be hazardous.

(f) *Content statement.* All reference to hexachlorophene limit in this order is on a weight-in-weight (w/w) basis. Quantitative declaration of hexachlorophene content on the labeling of products, where required, shall be on a w/w basis. For aerosol products, the declaration will be independent of the propellant.

(g) *Shipments of products.* Shipments of products falling within the scope of paragraph (c), (d), or (e) of this section which are not in compliance with the guidelines stated herein shall be the subject of regulatory proceedings after the effective date of the final order.

(h) *Prior notices.* This order preempts any conditions for marketing products set forth in the following prior notices.

1. DESI No. 4749 (34 F.R. 15389, October 2, 1969), "Certain OTC Drugs for Topical Use."

2. DESI No. 2855 (35 F.R. 12423, August 4, 1970), "Certain Mouthwash and Gargle Preparations."

3. DESI No. 8940 (36 F.R. 14510, August 6, 1971), "Topical Cream Containing Pyrillamine Maleate, Benzocaine, Hexachlorophene, and Centrimonium Bromide."

4. DESI No. 6615 (36 F.R. 18022, September 8, 1971), "Deodorant/Antiperspirant."

5. DESI No. 6270 (36 F.R. 23330, December 8, 1971), "Certain Preparations Containing Hexachlorophene."

(h) *Effective date.* This order will become effective upon publication in the FEDERAL REGISTER (9-27-72).

(Secs. 201(n), 502 (a), (f), (j), 503(b), 505, 601(a), 602 (a), (c), 701(a), 52 Stat. 1041, 1050-55 as amended; 21 U.S.C. 321(n), 352 (a), (f), (j), 353(b), 355, 361(a), 362 (a), (c), 371(a))

Dated: September 21, 1972.

CHARLES C. EDWARDS,  
Commissioner of Food and Drugs.

[FR Doc.72-16442 Filed 9-26-72;8:50 am]

## SUBCHAPTER C—DRUGS

### PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

#### Kanamycin Sulfate, Calcium Amphomycin, and Hydrocortisone Acetate

The Commissioner of Food and Drugs has evaluated a new animal drug application (47-997V) filed by Bristol Laboratories, Division of Bristol-Myers Co., Post Office Box 657, Syracuse, N.Y. 13201, proposing the safe and effective use of kanamycin sulfate, calcium amphomycin, and hydrocortisone acetate cream for the treatment of dogs. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135a.8 *Kanamycin sulfate, calcium amphomycin, and hydrocortisone acetate* is amended by adding the words "or cream" between the word "ointment" and the word "base", and between the word "ointment" and the word "contains" in paragraph (a) (3).

*Effective date.* This order shall be effective upon publication in the FEDERAL REGISTER (9-27-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: September 19, 1972.

C. D. VAN HOUWELING,  
Director, Bureau of  
Veterinary Medicine.

[FR Doc.72-16387 Filed 9-26-72;8:45 am]

## Title 50—WILDLIFE AND FISHERIES

### Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

#### PART 32—HUNTING

#### Certain National Wildlife Refuges in Montana; Correction

In F.R. (Doc. 14435), Volume 37, Number 166, dated Friday, August 25, 1972, on page 17176, § 32.22 *Special regulations; upland game; for individual wildlife refuge areas*, the Special Condition under Bowdoin National Wildlife Refuge should be amended to read as follows:

*Special condition.* Upland game hunting permitted during period pheasant season is open.

JOHN D. FINDLAY,  
Regional Director, Bureau of Sport  
Fisheries and Wildlife.

SEPTEMBER 20, 1972.

[FR Doc.72-16407 Filed 9-26-72;8:47 am]

# **Title 29—LABOR**

## **Chapter XIV—Equal Employment Opportunity Commission**

### **PART 1601—PROCEDURE REGULATIONS**

#### **Procedure for Prevention of Unlawful Employment Practices**

By virtue of the authority vested in it by section 713(a) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. section 2000e-12(a), 78 Stat. 365, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) hereby amends Title 29, Chapter XIV, Part 1601 of the Code of Federal Regulations.

Section 706(b) of the Act, as amended by the Equal Employment Opportunity Act of 1972, Public Law 92-261, 86 Stat. 103 (March 24, 1972), directs the Commission to "make its determination on reasonable cause as promptly as possible and, so far as practicable, not later than 120 days from the filing of the charge \* \* \*"

In order to expedite the Commission's case processing in keeping with the above congressional mandate, the Commission modifies its case processing procedures as follows: The findings of fact (§ 1601.19a) and exceptions (§ 1601.19b) phases of the current case processing procedures are eliminated.

The District Directors, or other designated officers, on behalf of the Commission, may, upon the completion of an investigation, dismiss charges, make and issue determinations as to reasonable cause, and make and approve settlements and conciliation agreements in those cases where such authority has been delegated to them by the Commission.

Because these amendments are procedural in nature, the provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, for public notice and delay in effective date are inapplicable. These amendments shall become effective upon publication in the FEDERAL REGISTER and shall be applicable with respect to all charges presently pending before and hereafter filed with the Commission.

1. Section 1601.19 is amended to read as follows:

#### **§ 1601.19 Dismissal of charge.**

Where the allegations of a charge on its face, or as amplified by the statements of the charging party to the Commission, disclose that the charge is not timely filed or otherwise fails to state a valid claim for relief under title VII, the Commission, through the Director of the District Office where the charge is lodged, may dismiss the charge without further action. Where notice of the charge or the charge has been served, the aggrieved person, the person making the charge on behalf of such person, where applicable, and the respondent, shall be notified in writing of the disposition of the charge, together with the reasons therefor.

2. Section 1601.19a is revised to read as follows:

#### **§ 1601.19a Predetermination settlement procedure.**

At any time subsequent to a preliminary investigation and prior to the issuance of a determination as to reasonable cause, the District Directors, or other designated officers, may engage in settlement discussions. The District Directors, or other designated officers, may make and approve settlements, on behalf of the Commission, in those cases where such authority has been delegated to them by the Commission.

3. Section 1601.19b is revised to read as follows:

#### **§ 1601.19b Determination as to reasonable cause.**

(a) If the Commission determines that a charge fails to state a valid claim for relief under title VII, or that there is not reasonable cause to believe that a charge is true, the Commission shall dismiss the charge. Where, however, it determines that there is reasonable cause to believe that an unlawful employment practice has occurred or is occurring, it shall endeavor to eliminate such practice by informal methods of conference, conciliation, and persuasion.

(b) The Commission shall promptly notify the aggrieved person, the person making a charge on behalf of such person, where applicable, and the respondent, or, in the case of a charge filed under § 1601.10, the person aggrieved, if known, and the respondent of its determination under paragraph (a) of this section. The determination is final when issued; therefore, requests for reconsideration will not be granted. The Commission may, however, on its own motion, reconsider its determination at any time and, when it does so, the Commission shall promptly notify the aggrieved person, the person making the charge on behalf of the aggrieved person, where applicable, and the respondent, or, in the case of a charge filed under § 1601.10, the person aggrieved, if known, and the respondent of its intention to reconsider its determination, and of its subsequent decision on reconsideration.

(c) Where a member of the Commission has filed a charge under § 1601.10, that member shall not participate in the determination in that case.

(d) The District Directors, or other designated officers, on behalf of the Commission, may, upon completion of an investigation, dismiss charges, make and issue determinations as to reasonable cause, and serve a copy thereof upon the parties, and make and approve conciliation agreements in those cases where such authority has been delegated to them by the Commission. The determination is final when issued; therefore, requests for reconsideration will not be granted. The District Directors, or other designated officers, may, however, on their own motion, reconsider their determination at any time and, when they do so, they shall promptly notify the

aggrieved person, the person making the charge on behalf of the aggrieved person, where applicable, and the respondent, or in the case of a charge filed under § 1601.10, the person aggrieved, if known, and the respondent of their intention to reconsider their determination, and of their subsequent decision on reconsideration.

(e) In making a determination as to whether reasonable cause exists, substantial weight shall be accorded final findings and orders made by designated 706 agencies, as listed in § 1601.12(k) pursuant to the requirements of section 706(b), (c), and (d) of title VII. For the purposes of this section, the following definitions shall apply:

(1) "Final findings and orders" shall mean:

(i) The findings of fact and order incident thereto issued by a 706 Agency after a public hearing on the merits of a charge; or

(ii) The consent order or consent decree entered into by the 706 Agency prior to or during a public hearing on the merits of a charge, if such consent order or decree may be enforced by the courts.

*Provided, however,* That no findings and order of a 706 Agency shall be considered the final findings and order for purposes of this section unless the 706 Agency shall have served a copy of such findings and order upon the Commission and upon the persons claiming to be aggrieved; and shall have informed such persons of their rights of appeal, or to request reconsideration, or rehearing or similar rights; and the time for such appeal, reconsideration, or rehearing request shall have expired or the issues on such appeal, reconsideration, or rehearing shall have been fully determined.

(2) "Substantial weight" shall mean that such full and careful consideration shall be accorded to final findings and orders, as defined above, as is appropriate in light of the facts supporting them, when they meet all of the prerequisites set forth below:

(i) The proceedings were fair and regular; and

(ii) The remedies and relief granted are comparable in scope to the remedies and relief required by Federal law; and

(iii) The final findings and order serve the interest of the effective enforcement of title VII.

*Provided,* That giving "substantial weight to final findings and orders" of a "706 Agency" does not include according weight, for purposes of applying Federal law, to that agency's conclusions of law.

§§ 1601.19c and 1601.19d [Deleted]

4. Section 1601.19c and 1601.19d are deleted.

5. Sections 1601.25b (a), (b) and (c) are amended to read as follows:

**§ 1601.25b Processing of cases, when notice issues under § 1601.25.**

(a) The Commission may bring a civil action against any respondent named in



a charge, not a government, governmental agency or political subdivision, after thirty (30) days from the date of the filing of a charge with the Commission unless a conciliation agreement acceptable to the Commission has been secured. Where the person claiming to be aggrieved is not a party to such an agreement, the agreement shall not extinguish or in any way prejudice such person's right to proceed in court under section 706(f) (1).

(b) The Commission shall not issue a notice pursuant to § 1601.25 prior to a determination under § 1601.19b or where reasonable cause has been found prior to efforts at conciliation with respondent, except as provided in paragraph (c) of this section.

(c) At any time after the expiration of one hundred and eighty (180) days from the date of the filing of a charge or upon dismissal of a charge at any stage of the proceedings, an aggrieved person may demand in writing that a notice issue pursuant to § 1601.25, and the Commission shall promptly issue a notice, and provide copies thereof and copies of the charge to all parties.

(Section 713(a), 78 Stat. 265, 42 U.S.C. section 2000e-12(a))

This amendment is effective upon publication in the FEDERAL REGISTER (9-27-72).

Signed at Washington, D.C., this 22d day of September 1972.

WILLIAM H. BROWN III,  
Chairman.

[FR Doc.72-16470 Filed 9-26-72;8:46 am]

## Title 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter I—Coast Guard, Department of Transportation

#### SUBCHAPTER A—GENERAL

[CGD 72-62R]

### PART 1—GENERAL PROVISIONS

#### Fees and Charges for Certain Records and for Duplicate Documents, Cer- tificates, or Licenses

The purpose of these amendments to the user fee regulations is to add current charges not now listed for duplication of Coast Guard records and for services for the public.

Title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 268, 290; 31 U.S.C. 483a) requires that any work, service publication, report, document, benefit, privilege, authority, use franchise license permit certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency to or for any person (including groups, associations, organizations, partnerships, corporations, or business), except those engaged in the

transaction of official business of the Government, be self-sustaining to the full extent possible. To comply with the authority granted under the Act, fees for services performed for the public by the Department of Transportation were issued in regulations promulgated in the June 29, 1967 issue of the FEDERAL REGISTER (32 F.R. 9284). For convenience of the public, the fees and charges applicable for the duplication of Coast Guard records and for the performance of service by the Coast Guard were promulgated in Subpart 1.25 of Title 33, Code of Federal Regulations, published in the August 2, 1967 issue of the FEDERAL REGISTER (32 F.R. 11211).

Since first issued, Subpart 1.25 has not been updated. The amendments in this document change or add regulations to reflect current charges and services. The amendments are as follows:

(a) Section 1.25-40 is amended to eliminate Table 1.25-40(a) which repeats 49 CFR 7.85. It was determined that the duplication of a regulation is not necessary and a reference citation in § 1.25-40 is sufficient for all purposes.

(b) Table 1.25-40(b) is amended by including the service fee for a certificate of service that is issued in accordance with section 601 of the Soldiers' and Sailors' Civil Relief Act of 1940 (54 Stat. 1190, as amended; 50 U.S.C. App., 581). In addition, the separate listing for "Transcript of service record of merchant seaman (compilation) in letter form other than to named seaman", which is Item 2 in the present table, has been eliminated since that service is included in the compilation listed as Item 1, "Certificate of Seaman's Service."

(c) A new paragraph (c) and a new Table 1.25-40(c) are added to § 1.25-40 to list fees for services that are in addition to those prescribed in applicable sections of Chapter I of Titles 33 or 46. These services are—

(1) Landing at the Coast Guard Air Station, Elizabeth City, N.C.; and

(2) Computer programs.

(d) Three new sections, §§ 1.25-45, 1.25-48, and 1.25-50, are added to the subpart to describe the charges for—

(1) Special admeasurement services (§ 1.25-45);

(2) Cooperative oceanograph research (§ 1.25-48); and

(3) Preapproval tests for hydraulic releases, distress signals, and inflatable liferafts (§ 1.25-50).

Since the amendments in this document relate to general statements of policy, they are exempted from notice of proposed rule making and may be made effective in less than 30 days.

In consideration of the foregoing, Subpart 1.25 of Title 33, Code of Federal Regulations is amended as follows:

1. By revising § 1.25-40 to read as follows:

§ 1.25-40 Fees for services for the public.

(a) The fees for services performed for the public, as prescribed in sections 552(a) (2) and (3) of title 5, United States Code, by the Department of Transportation are in Subpart H of Title

49, Code of Federal Regulations. The fee schedule for these services is contained in 49 CFR 7.85. The applicable fees are imposed and collected by the Coast Guard as prescribed in 49 CFR 7.83.

(b) In accordance with 49 CFR 7.85(i), the fees that are applicable for copies of Coast Guard records and additional to those described in 49 CFR 7.85 are contained in Table 1.25-40(b). The fee prescribed includes any necessary search charge.

TABLE 1.25-40(b) FEES FOR COAST GUARD RECORDS

Item	Fee
(1) Certificate of Seaman's Service (Compiled on Form CG-723):	
(i) First page.....	\$7.00
(ii) Each additional page.....	3.75
(2) Duplicate Merchant Mariner's Document .....	3.75
(3) Duplicate Continuous Discharge Book .....	3.75
(4) Duplicate Certificate of Registry as Staff Officer.....	3.75
(5) Certificate of Service issued in accordance with sec. 701 of the Soldiers' and Sailors' Civil Relief Act of 1940 (54 Stat. 1190, as amended; 50 U.S.C. App., 581) .....	2.50

(c) Fees charged for services performed by the Coast Guard that are in addition to those prescribed in applicable sections in this chapter or 46 CFR Ch. 1 are listed in Table 1.25-40(c).

TABLE 1.25-40(c) FEES FOR COAST GUARD SERVICES

Service	Fee (Each)
(1) Landings of aircraft, Coast Guard Air Station, Elizabeth City, N.C.:	
(a) 90 or less.....	\$0.60
(b) More than 90 but less than 180 .....	4.40
(c) 180 or more.....	2.20
(2) Computer programs.....	5.00

Program No.	Program	Dated
MMT01....	Cross Curves of Stability...	Oct. 12, 1960
MMT02....	Hydrostatic Curves of Form for Fair Hull Forms.	Sept. 1, 1963
MMT03....	Hydrostatic Curves of Form for Hard Chine Vessels.	Do.
MMT04....	Floodable Lengths.....	Nov. 1, 1965
MMT05....	Section Modulus.....	Sept. 1, 1963
MMT07....	Barge Saddle Reactions in Grounded Conditions.	Oct. 1, 1965
MMT08....	Upright Displacement and Trochoidal Wave Heights.	July 6, 1969
MMT09....	Ship Balance and Bending Moments.	Do.
MMT10....	Ocean-going Independent Tank Barge Saddle Reactions.	Do.
MMT11....	Short Circuit Analysis.....	July 1, 1965
MMT12....	Cylindrical Tank Volume Calculations.	Mar. 1, 1969
MMT13....	Gravity Davit Analysis I.....	June 8, 1965
MMT14....	Gravity Davit Analysis II.....	Do.
MMT15....	Thermal Stress in Ships.....	Mar. 9, 1969

2. By amending Subpart 1.25 by adding a new § 1.25-45 to follow § 1.25-40 and to read as follows:

§ 1.25-45 Special admeasurement services.

If an admeasurer is assigned to measure or certify the tonnage of a vessel at the request of the owner thereof at a

place other than a port of entry, a custom station, or port where an officer-in-charge, marine inspection, is located, the owner shall pay the admeasurer's—

(a) Pay based on the hourly rate for the grade or level of position held or the daily military compensation rate, as appropriate;

(b) Travel expense based on the estimated cost of travel from and return to the nearest port of entry, customs station, or office of an officer-in-charge, marine inspection; and

(c) Daily subsistence expense from the time he leaves his official duty station until he returns thereto.

3. By amending Subpart 1.25 by adding a new § 1.25-48 to follow § 1.25-45 and to read as follows:

**§ 1.25-48 Oceanographic research.**

(a) Each person allowed by the Coast Guard to join a Coast Guard voyage for the purpose of oceanographic research is charged the cost of each meal that he consumes while on board the Coast Guard vessel.

(b) The person, company, association, or government agency engaging a Coast Guard vessel for an oceanographic research study is charged the daily cost of operating the vessel.

4. By amending Subpart 1.25 by adding a new § 1.25-50 to follow § 1.25-48 and to read as follows:

**§ 1.25-50 Fees for preapproval tests.**

The salary of each tester, based on the man-hours expended, and the cost of materials used shall be paid by the manufacturer for the preapproval tests at Coast Guard facilities of each—

(a) Hydraulic release of a buoyant load under hydrostatic pressure, as prescribed in 46 CFR 160.062-6(c);

(b) Pistol-projected parachute red flare distress signal, as prescribed in 46 CFR 160.024-7(c); and

(c) Inflatable liferaft, as prescribed in 46 CFR 160.051-9(b).

(Title V, 65 Stat. 268, 290, sec. 633, 63 Stat. 545, sec. 6(b) (1), 80 Stat. 937; 31 U.S.C. 483a, 14 U.S.C. 633, 49 U.S.C. 1655(b) (1); 49 CFR 1.46(b))

*Effective date.* These amendments shall become effective on October 30, 1972.

Dated: September 20, 1972.

C. R. BENDER,  
Admiral, U.S. Coast Guard,  
Commandant.

[FR Doc.72-16358 Filed 9-26-72;8:45 am]

## Title 39—POSTAL SERVICE

### Chapter I—U.S. Postal Service

#### PART 222—DEPARTMENTS

#### Change of Title of Hearing Examiners

On August 19, 1972, at 37 F.R. 16787, the Civil Service Commission published a notice changing the title hearing ex-

aminer as used in Subpart B of Part 930 of Title 5, Code of Federal Regulations, to Administrative Law Judge. In order to conform postal usage to the Commission's terminology and further clarify postal regulations, the following amendments are made in Title 39, Code of Federal Regulations:

Section 222.2(b) (5) is amended by—

1. Striking out "the Hearing Examiner" in subdivisions (ii) (a) and (ii) (f) and inserting in lieu thereof "an Administrative Law Judge";

2. Changing the heading of subdivision (iv) to read as set forth below.

"(iv) Office of Administrative Law Judges:"

3. Amending subdivision (v) (b) to read as set forth below.

4. Changing "hearing examiners" wherever else that term appears to "Administrative Law Judges".

As amended, § 222.2 reads as follows:

**§ 222.2 Executive functions group.**

\*\*\*\*\*

(b) Judicial Officer. \*\*\*\*\*

(iv) Office of Administrative Law Judges: \*\*\*\*\*

(b) The Board of Contract Appeals for the Postal Service is composed of the Judicial Officer, who is the permanent chairman; the Chief Administrative Law Judge, who shall be a permanent member; and one of the Administrative Law Judges of the Postal Service, appointed pursuant to the provisions of 5 U.S.C. 3105, and designated by the Judicial Officer on an acting basis.

\*\*\*\*\*  
(39 U.S.C. 204, 401-404)

LOUIS A. COX,  
General Counsel.

SEPTEMBER 22, 1972.

[FR Doc.72-16421 Filed 9-26-72;8:48 am]

## Title 43—PUBLIC LANDS: INTERIOR

### Chapter II—Bureau of Land Management, Department of the Interior

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5263]

[Colorado 9527, 10540]

#### COLORADO

Powersite Restoration No. 687, Partial Revocation of Powersite Reserves Nos. 116 and 253; Powersite Cancellation No. 281, Partial Cancellation of Powersite Classification No. 89, and Cancellation of Powersite Classification No. 113; Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 24 of the Act of June 10, 1920, as amended, 16 U.S.C. 818 (1970), and

pursuant to the determination of the Federal Power Commission in DA-495—Colorado, and by virtue of the authority contained in section 10 of the Act of December 29, 1916, as amended, 43 U.S.C. 300 (1970), it is ordered as follows:

1. The Executive Orders of July 2, 1910, and March 23, 1912, creating Powersite Reserves Nos. 116 and 253, as construed by Powersite Interpretation No. 38 of August 6, 1923, and the departmental orders of February 24, 1925, and August 15, 1925, creating Powersite Classifications Nos. 89 and 113, are hereby revoked so far as they affect the following described lands:

#### SIXTH PRINCIPAL MERIDIAN

##### POWERSITE RESERVE NO. 116

T. 5 S., R. 81 W.,  
Sec. 8, lots 1 and 2;  
Sec. 15, lots 11, 12, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 21, lot 6;  
Sec. 22, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 25, lot 6.  
T. 5 S., R. 82 W.,  
Sec. 2, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 12, SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 4 S., R. 83 W.,  
Sec. 9, lots 4, 5, 6;  
Sec. 15, lots 6, 7;  
Sec. 17, lots 1 through 5, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 18, lots 8, 9, S $\frac{1}{2}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 19, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ ;  
Sec. 25, lots 14, 15, 16;  
Sec. 26, lot 4;  
Sec. 35, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 36, lots 1 and 2.  
T. 4 S., R. 84 W.,  
Sec. 13, lots 15, 16;  
Sec. 23, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 24, lots 1, 2, 3, 5 through 15;  
Sec. 26, lots 1, 3, 4;  
Sec. 27, lots 2 through 8;  
Sec. 28, lots 1 through 4;  
Sec. 32, lots 1, 5, 6;  
Sec. 33, lots 1 and 2.

##### POWERSITE RESERVE NO. 253

T. 5 S., R. 81 W.,  
Sec. 11, lots 9, 13;  
Sec. 12, lot 1, NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 14, lots 1, 7, 8, 9;  
Sec. 15, lots 8, 9.  
T. 5 S., R. 82 W.,  
Sec. 13, NW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 4 S., R. 83 W.,  
Sec. 8, lots 1, 4, 5;  
Sec. 9, lots 2, 3, 7, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 14, lots 3, 4, 5;  
Sec. 15, lots 2, 3;  
Sec. 18, lots 5, 6, 7, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 23, lot 4;  
Sec. 23, lots 1, 2, 3, 5, 6;  
Sec. 24, lots 10, 11, 12;  
Sec. 25, lots 4, 5, 6, 7.  
T. 4 S., R. 84 W.,  
Sec. 25, lots 2, 3, 4;  
Sec. 26, lots 5, 6;  
Sec. 33, lots 3, 4, 5, 6, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 34, lots 1, 2, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ .

##### POWERSITE CLASSIFICATION NO. 89

T. 5 S., R. 81 W.,  
Sec. 9, lot 1, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 22, lot 2;  
Sec. 26, lots 3, 7;  
Sec. 36, lot 19.  
T. 4 S., R. 82 W.,  
Sec. 32, SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 5 S., R. 83 W.,  
Sec. 3, NE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 4 S., R. 83 W.,  
Sec. 23, lots 4, 7, 8, NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

T. 4 S., R. 84 W.,  
Sec. 32, lot 4.  
T. 4 S., R. 85 W.,  
Sec. 31, lot 9, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 32, lot 1;  
Sec. 33, lot 4;  
Sec. 34, lot 1.  
T. 5 S., R. 85 W.,  
Sec. 5, lot 5;  
Sec. 6, lots 8, 9, 10, 11, 12.

## POWERSITE CLASSIFICATION NO. 113

All lands within 500 feet of West Lake Creek, as shown on a map filed June 17, 1925, in the U.S. Land Office at Denver, CO, and designated "030602", from a point on said creek  $\frac{1}{2}$  miles upstream from its crossing of the south boundary of T. 5 S., R. 82 W., to a point 3 miles upstream from said crossing. These lands are within the canceled survey of T. 6 S., R. 82 W., and protraction from the official survey of T. 6 S., R. 83 W., indicates that they will be wholly within sections 7, 8, 17, 18.

The areas described aggregate 5,060.64 acres in Eagle County.

Of the lands described above the following are privately owned:

## SIXTH PRINCIPAL MERIDIAN

T. 5 S., R. 81 W.,  
Sec. 9, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 12, NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 22, NE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 4 S., R. 83 W.,  
Sec. 17, lots 1 through 4, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 18, lots 7 and 9;  
Sec. 22, lot 4;  
Sec. 23, lot 2.  
T. 4 S., R. 84 W.,  
Sec. 32, lot 4.

Also of the lands described above the following are within the White River National Forest:

## SIXTH PRINCIPAL MERIDIAN

T. 5 S., R. 81 W.,  
Sec. 21, lot 6;  
Sec. 36, lot 19.

## POWERSITE CLASSIFICATION NO. 113

All lands within 500 feet of West Lake Creek, as shown on a map filed June 17, 1925, in the U.S. Land Office at Denver, Colo., and designated "030602", from a point on said creek  $\frac{1}{2}$  miles upstream from its crossing of the south boundary of T. 5 S., R. 82 W., to a point 3 miles upstream from said crossing. These lands are within the canceled survey of T. 6 S., R. 82 W., and protraction from the official survey of T. 6 S., R. 83 W., indicates that they will be wholly within sections 7, 8, 17, 18.

The remainder of the lands described in paragraph 1 of this order are public domain lands.

2. The departmental order of October 9, 1917, creating Stock Driveway Withdrawal No. 2, as conformed to the plat of dependent resurvey accepted November 1, 1943, by interpretation dated January 17, 1945, is hereby revoked so far as it affects the following described lands:

## SIXTH PRINCIPAL MERIDIAN

T. 5 S., R. 81 W.,  
Sec. 11, lots 3, 4, 5, 6, 11, 12, 13, 10;  
Sec. 14, lots 1, 2, 12, 13, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

The areas described aggregate 508.37 acres in Eagle County.

Of the lands described in this paragraph, lot 13 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , sec. 14, are patented lands.

3. The revocation made by paragraphs 1 and 2 of this order is in furtherance of an exchange of lands involving those described above as lots 1, 2, and 12, sec. 14, and W $\frac{1}{2}$ NW $\frac{1}{4}$ , sec. 22, T. 5 S., R. 81 W., under section 8 of the Act of June 28, 1934, as amended, 43 U.S.C. 315g (1970), by which the offered lands will benefit a Federal land program. Accordingly, these lands are hereby classified pursuant to section 7 of the said Act, 43 U.S.C. 315f (1970), as suitable for such exchange. These lands will, therefore, not be open to other use or disposal under the public land laws in the absence of a modification or revocation of such classification (43 CFR 2440.4).

4. At 10 a.m., on October 25, 1972, the national forest lands described in paragraph 1 of this order shall be open to such forms of disposition as by law may be made of such lands, except as to lot 6, sec. 21, T. 5 S., R. 81 W., which is withdrawn from all forms of appropriation under the public land laws, including the U.S. mining laws, but not the mineral leasing laws, by Public Land Order No. 1605 of March 24, 1958, for the Dowd Campground.

5. At 10 a.m., on October 25, 1972, all of the unreserved and unappropriated public lands described in paragraphs 1 and 2 of this order shall be open to appropriation under the public land laws generally, subject to valid existing rights, and the provisions of existing withdrawals and classifications, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on October 25, 1972, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

These lands have been and continue to be open to location and entry under the U.S. mining laws, and to the filing of applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, Room 700 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202.

MITCHELL MELICH,  
*Acting Secretary of the Interior.*

SEPTEMBER 19, 1972.

[FR Doc.72-16428 Filed 9-26-72;8:49 am]

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

#### PART 0—COMMISSION ORGANIZATION

##### Field Office, Anchorage, Alaska

1. The following editorial change will be made to the rules and regulations to reflect the correct address of the Fed-

eral Communications Commission field office located in Anchorage, Alaska:

Radio district	From	To
23	Post Office Box 644, Room 63, U.S. Post Office and Courthouse Bldg., Anchorage, Alaska 99501.	Post Office Box 644, Room 663, U.S. Post Office Bldg., Fourth and G St., Anchorage, Alaska 99510.

2. Since the amendment is editorial in nature the prior notice and effective date provisions of the Administrative Procedure Act are not applicable. Authority for the promulgation of this amendment is contained in section 4(i) and 5(d) of the Communications Act of 1934, as amended, and § 0.231(d) of the rules.

3. Accordingly, it is ordered, Effective September 29, 1972, § 0.121(a) of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 48 Stat., as amended, 1066, 1068; 47 U.S.C. 154, 155)

Adopted: September 15, 1972.

Released: September 19, 1972.

#### FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] JOHN M. TORBET,  
*Executive Director.*

In Chapter I of Title 47 of the Code of Federal Regulations, Part 0 is amended as follows:

#### § 0.121 Location of field offices and monitoring stations.

(a) District offices and their suboffices are located at the following addresses:

Radio district	Address of the engineer in charge	Territory within district	
		States	Countries
...	...	...	...
23	Post Office Box 644, Room 663, U.S. Post Office Bldg., Fourth and G St., Anchorage, Alaska 99510.	Alaska....	...
...	...	...	...

[FR Doc.72-16437 Filed 9-26-72;8:50 am]

#### MISCELLANEOUS AMENDMENTS TO CHAPTER

1. By this order, it is intended to correct oversights made in previous rule amendments and to delete obsolete material.

2. Authority for the amendments appears in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules and regulations. Since the amendments are editorial corrections, the prior notice and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

3. It is ordered, That the rules set forth below shall be adopted effective September 26, 1972.



(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: September 13, 1972.

Released: September 14, 1972.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] — JOHN M. TORBET,  
Executive Director.

Parts 81, 87, and 91 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

**PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS**

1. In § 81.132(a) (2), subdivision (iii), which was erroneously deleted by Report and Order, FCC 71-1044, in Docket 18632, 36 F.R. 20949, is reinstated as set forth below:

§ 81.132 Authorized classes of emission.

(a) \* \* \*

Frequency band	Classes of emission
* * *	* * *
(2) Coast stations using radio-telephony:	
(i) For frequencies below 23 MHz in § 81.304(a): 2182 kHz----	A3 or A3H as specified in § 81.304 (c) and (d).
(ii) All other frequencies -----	A3, A3A, A3H, or A3J as specified in § 81.304.
(iii) For frequencies in the band 156 to 174 MHz -----	F3.
* * *	* * *

**PART 87—AVIATION SERVICES**

§ 87.65 [Amended]

1. In § 87.65(a), footnotes 1 through 5 and 7 to the table are deleted and footnote 6 is renumbered as footnote 1.

§ 87.77 [Amended]

2. In § 87.77(d), subparagraph (5) is deleted and marked "Reserved".

3. Section 87.295(a) is amended to read as follows:

§ 87.295 Continental United States (excluding Alaska).

(a) The following frequency is available for assignment for emergency and backup to serve aircraft operating in support of offshore drilling operations in open water areas beyond the range of VHF propagation on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations: 4654 kHz.<sup>1</sup>

\* \* \*

<sup>1</sup> When A3A, A3H, or A3J emission is used, the assigned frequency will be 4655.5 kHz (4654 kHz carrier frequency).

§ 87.297 [Amended]

4. In § 87.297, the tables in paragraphs (a), (b) (1), (2), (3), and (c) are amended by deleting the 1st and 3d columns and by changing the remaining column to read "Frequencies available (kHz)". In addition, footnote 2 in paragraph (a), footnote 1 in paragraph (b) (1) and (2) and footnote 2 in paragraph (b) (3) and the footnote to paragraph (c) are deleted.

§ 87.301 [Amended]

5. In § 87.301(b), the frequency 6619.5 kHz and footnotes 1 and 2 are deleted.

§ 87.303 [Amended]

6. In § 87.303, the tables in paragraphs (a) through (n) are amended by deleting the 1st and 3d columns and by changing the remaining column to read "Frequencies available (kHz)". In addition, the footnotes are revised as follows:

In par. (a), footnote 1 is deleted and footnote 2 is renumbered as footnote 1.

In par. (b), footnote 1 is deleted.

In par. (c), footnote 1 is deleted.

In par. (d), footnotes 1 and 2 are deleted and footnote 3 is renumbered as footnote 1.

In paragraph (e), footnotes 1 and 3 are deleted and footnote 2 is renumbered as footnote 1.

In paragraph (h), footnotes 1 and 2 are deleted and footnote 3 is renumbered as footnote 1.

In paragraph (g), footnotes 1 and 2 are deleted and footnote 3 is renumbered as footnote 1.

In paragraph (h), footnotes 1 and 2 are deleted and footnote 3 is renumbered as footnote 1.

In paragraph (i), footnote 2 is deleted and footnote 3 is renumbered as footnote 2.

In paragraph (j), the footnote is deleted.

In paragraph (k), footnotes 1 and 2 are deleted and footnote 3 is renumbered as footnote 1.

In paragraph (l), footnote 1 is deleted and footnote 2 is renumbered as footnote 1.

In paragraph (m), footnote 1 is deleted and footnote 2 is renumbered as footnote 1.

In paragraph (n), footnote 1 is deleted and footnote 2 is renumbered as footnote 1.

§ 87.305 [Amended]

7. In § 87.305, the table is amended by deleting the first and third columns and by changing the remaining column to read "Frequencies available (kHz)". In addition, footnotes 1 and 2 are deleted and footnote 3 is renumbered as footnote 1.

§ 87.307 [Amended]

8. In § 87.307, the table is amended by deleting the first and third columns and footnote 2. The remaining column is amended to read "Frequencies available (kHz)".

**PART 91—INDUSTRIAL RADIO SERVICES**

§ 91.504 [Amended]

1. In § 91.504(b) (29), subdivision (iv) is obsolete and is deleted.

[FR Doc.72-16438 Filed 9-20-72; 8:50 am]

**Title 6—ECONOMIC STABILIZATION**

**Chapter III—Price Commission**

[Special Reg. 2]

**PART 300—PRICE STABILIZATION**

**Allowable Costs: Adjustments to Substandard Wage Levels**

The purpose of this special regulation of the Price Commission is to provide guidance to employers who increase the wage levels of employees from a level below \$2.75 per hour to or toward \$2.75 per hour.

Current Price Commission regulations and rulings restrict the use of wage increases as allowable costs for the purpose of justifying price increases to an annual increase of not more than 5.5 percent. On July 27, 1972, the Cost of Living Council amended § 101.104 of its regulations to provide that the provisions of Title 6 of the Code of Federal Regulations not be implemented so as to restrict in any manner the wage increases of an individual earning less than \$2.75 per hour until such time as his wage level reaches \$2.75 per hour. In order to conform to this mandate, the Price Commission is adding a Special Regulation No. 2 to Chapter III of title 6.

The purpose of Special Regulation No. 2 is to provide a method by which employers who increase the wages of their employees earning less than \$2.75 per hour to or toward that level may request relief from the 5.5 percent wage increase limitation on allowable costs. The regulation provides that such an employer may request an exception from the general limitation on wage increases as allowable costs. This avenue of relief is provided in order to insure that operation of the Price Commission's regulations does not restrict any employer's ability to negotiate and pay wage increases from a level below \$2.75 per hour to or toward that level.

Because the purpose of this special regulation is to provide immediate guidance and information as to the price stabilization program, and to relieve a restriction, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making it effective less than 30 days after publication.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210, Executive Order No. 11640, 37 F.R. 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

In consideration of the foregoing, the following special regulation of the Price Commission is hereby adopted, effective September 26, 1972.

Issued in Washington, D.C., on September 25, 1972.

C. JACKSON GRAYSON, Jr.,  
Chairman, Price Commission.

**General.** For the purpose of determining allowable cost increases to justify price increases, wage increases resulting from adjustments to substandard wages shall be treated as provided in paragraphs 1 through 3 of this regulation.

1. *Manufacturers and service organizations.* A manufacturer or service organization incurring increases in labor wage costs resulting from adjustments to wages from a level below \$2.75 per hour to or toward \$2.75 per hour may use that increase for the purpose of justifying price increases as follows:

(a) Increases resulting in an annual increase of 5.5 percent or less may be treated as allowable cost increases under §§ 300.12 and 300.14;

(b) Increases resulting in an annual increase of more than 5.5 percent may be treated as allowable cost increases under §§ 300.12 and 300.14 to the extent of 5.5 percent. A manufacturer or service organization may request an exception to this subparagraph, based upon serious hardship or gross inequity, to enable it to increase prices to reflect, on a dollar-for-dollar basis, that portion of the labor cost increase in excess of 5.5 percent.

2. *Institutional providers of health services.* An institutional provider of health services incurring increases in labor wage costs resulting from adjustments to wages from a level below \$2.75 per hour to or toward \$2.75 per hour may use that increase for the purpose of justifying price increases as follows:

(a) Increases resulting in an annual increase of 5.5 percent or less may be treated as allowable cost increases under §§ 300.18(c) and 300.18(d) (1);

(b) Increases resulting in an annual increase of more than 5.5 percent may be treated as allowable cost increases under § 300.18 only to the extent that the excess does not cause an increase in the aggregate annual revenues of the institutional provider of health services over that amount otherwise authorized under § 300.18(c). With respect to any such increase in the aggregate annual revenues, the person shall continue to comply with § 300.18(c). An institutional provider of health services may request an exception to this subparagraph, based upon serious hardship or gross inequity, to enable it to increase prices to reflect, on a dollar-for-dollar basis, that portion of the labor cost increase in excess of 5.5 percent.

3. *Retailers and wholesalers.* A retail or wholesaler incurring increases in labor wage costs resulting from adjustments of wages from a level below \$2.75 per hour to or toward \$2.75 per hour may request approval from the Office of Exceptions Review, Price Commission, to modify its customary initial percentage markup, based upon serious hardship or gross inequity, to achieve a dollar-for-dollar recovery of the increased labor wage costs resulting from the adjustments.

[FR Doc.72-16538 Filed 9-26-72;8:54 am]

## PART 300—PRICE STABILIZATION

### PART 305—PROCEDURAL REGULATIONS

#### Miscellaneous Amendments

The purpose of these amendments is to make corrections to §§ 300.23(d), 300.304

(e), and 305.50, and to make a conforming amendment to § 300.52(a).

Section 300.23(d), relating to exceptions to that part of § 300.23 relating to purchasing cooperatives, is amended by adding the phrase, "or other persons" to the last sentence of that paragraph. The phrase was inadvertently omitted when the section was first published, 37 F.R. 17558 (1972), and is added to align the language of paragraph (d) to the language of the other paragraphs of the section.

The amendment to § 300.52(a) conforms the treatment of certain contracts and subcontracts by reporting firms with the treatment provided for prenotification firms. By amendments to § 300.51 (a), relating to prenotification firms, on August 7, 1972 (37 F.R. 15996), and August 29, 1972 (37 F.R. 17477), the Commission provided that the entering into of a contract for the purchase of products or services by an agency of the Federal Government, or the entering into of a subcontract under such a contract, constitutes prenotification and approval of the price stated in the contract or subcontract. The Commission is of the opinion that the rule should also apply to reporting firms. Accordingly, § 300.52(a) is amended to provide that the entering into of such a contract or subcontract constitutes approval of the price stated therein. Like prenotification firms, however, reporting firms must report the contract or subcontract in quarterly reports, but are not required to file a Form PC-1 with respect to that contract or subcontract.

Section 300.304(e), relating to the certification by the Price Commission of public utility regulatory agencies, is amended to change the word "consistent" to "inconsistent" in the last sentence of that paragraph. This change is made to reflect the Commission's original intent when the section was published on September 16, 1972 (37 F.R. 18893).

The first section of Subpart E of Part 305 of Chapter III is renumbered as § 305.50 to correct a numbering error which appeared when the section was republished on April 18, 1972 (37 F.R. 7623).

Since the purpose of these miscellaneous amendments is to correct errors and to make a conforming amendment, it is hereby found that further notice and public procedure is impracticable and that good cause exists for making them effective in less than 30 days after publication in the FEDERAL REGISTER.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558; 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210; Executive Order No. 11640, 37 F.R. 1213, January 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, October 16, 1971)

In consideration of the foregoing Part 300 and Part 305 of Chapter III of Title 6 of the Code of Federal Regulations are amended as set forth herein, effective September 26, 1972.

Issued in Washington, D.C., on September 25, 1972.

JAMES B. MINOR,  
General Counsel,  
Price Commission.

1. The last sentence of § 300.23(d) is amended to read as follows:

#### § 300.23 Purchasing cooperatives.

(d) *Exceptions.* \* \* \* The provisions of this paragraph do not apply to a sale made by a purchasing cooperative operating under the Agricultural Marketing Act of 1929, as amended (12 U.S.C. 1141j), to a member or other person of that cooperative who is also a cooperative and only resells to its members or other persons for their use or consumption.

2. Section 300.52(a) is amended by adding the following sentences at the end thereof:

#### § 300.52 Reporting firms.

(a) *General.* \* \* \* The entering into of a contract for the purchase of a product or service by an agency of the Federal Government, or the entering into of a subcontract under a contract for the purchase of a product or service by an agency of the Federal Government, is considered to be an approval of the price stated in that contract or subcontract for the purposes of this paragraph, and that contract or subcontract must be reported in the quarterly report of the reporting firm. However, the firm is not required to file a Form PC-1 with respect to that contract or subcontract.

3. The last sentence of § 300.304(e) is amended to read as follows:

#### § 300.304 Certification.

(e) \* \* \* The rules shall be considered to be the rules of the regulatory agency and shall not displace any other rules or laws to which the agency is subject or which it has adopted which are not inconsistent with those rules.

4. The first section in Part 305, Subpart E is renumbered to read as § 305.50 *Purpose and scope.*

[FR Doc.72-16537 Filed 9-26-72;8:51 am]

## Title 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[TD. 72-258]

#### RELIEF FROM DUTIES ON MER- CHANDISE LOST, DAMAGED, ABANDONED, OR EXPORTED

On April 20, 1972, a notice of proposed rule making pertaining to a revision of the Customs Regulations relating to relief from duties on merchandise lost, damaged, abandoned, or exported (19 CFR Part 15) was published in the FEDERAL REGISTER (37 F.R. 7797).

Interested persons were given 60 days in which to submit written comments, suggestions, or objections regarding the proposed revision. No comments were received.

Several editorial changes are made as follows:

1. The reference to the Tariff Schedules in § 158.13(c) is corrected to read as follows:

"schedule 1, part 6B, headnote 2, Tariff Schedules of the United States (19 U.S.C. 1202)."

2. Two changes in the Parallel Reference Table.

Accordingly, new Part 158, and the conforming changes in Parts 4, 8, 12, 13, 15, 18, and 24, and 147 of the Customs Regulations, Chapter I, Title 19, of the Code of Federal Regulations, are hereby adopted as set forth below.

**Effective date.** These amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] EDWIN F. RAINS,  
Acting Commissioner of Customs.

Approved: September 15, 1972.

EUGENE T. ROSSIDES,  
Assistant Secretary  
of the Treasury.

## PART 158—RELIEF FROM DUTIES ON MERCHANDISE LOST, DAMAGED, ABANDONED, OR EXPORTED

Chapter I of title 19, Code of Federal Regulations, is amended by adding a new Part 158 to read as follows:

Sec.

158.0 Scope.

Subpart A—Lost or Missing Packages and Deficiencies in Contents of Packages

158.1 Definition of "permitted" merchandise.

158.2 Shortage in packages released under immediate delivery.

158.3 Allowance for lost or missing packages included in an entry.

158.4 Liability of carrier for lost or missing packages.

158.5 Deficiencies in contents of packages—general.

158.6 Deficiencies in contents of examination packages.

Subpart B—Damaged or Defective Merchandise

158.11 Merchandise completely worthless at time of importation.

158.12 Merchandise partially damaged at time of importation.

158.13 Excessive moisture and other impurities.

158.14 Perishable merchandise condemned.

Subpart C—Casualty, Loss, or Theft While in Customs Custody

158.21 Allowance in duties for casualty, loss, or theft while in Customs custody.

158.22 Not applicable when allowances made under other provisions.

158.23 Filing of application and evidence by importer.

158.24 Place of filing.

158.25 Partial destruction or injury.

158.26 Loss or theft in public stores.

158.27 Accidental fire or other casualty.

158.28 Waiver of evidence.

158.29 Decision by district director.

158.30 Review of district director's decision.

Subpart D—Destroyed, Abandoned, or Exported Merchandise

Sec.

158.41 Destruction of prohibited merchandise.

158.42 Abandonment by importer within 30 days after entry.

158.43 Abandonment or destruction of merchandise in bond.

158.44 Disposition of abandoned merchandise.

158.45 Exportation of merchandise.

**AUTHORITY:** The provisions of this Part 158 issued under R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 68, 1624. Subpart C also issued under sec. 563, 46 Stat. 746, as amended; 19 U.S.C. 1563. Additional authority is cited in the text or following the sections affected.

### § 158.0 Scope.

This part sets forth general rules for granting relief from duties on merchandise which is lost, damaged, abandoned, or exported.

### Subpart A—Lost or Missing Packages and Deficiencies in Contents of Packages

#### § 158.1 Definition of "permitted" merchandise.

For the purpose of this subpart, merchandise is "permitted" when Customs authorizes the carrier bringing the shipment to the port to make delivery to the consignee or the next carrier and:

(a) These parties in interest, or their agents, make a joint determination of the quantities being delivered, or,

(b) The carrier bringing the shipment to the port, at its option, independently declares the quantities available for delivery by filing with the district director, no later than the close of business on the next working day after a determination of quantities is made, a signed statement that:

(1) An independent determination of quantities of merchandise available for delivery has been made, with the date of the determination shown;

(2) At least 4 days have elapsed since the consignee or his agent was notified that Customs has authorized delivery; and,

(3) The merchandise was and is available for delivery.

#### § 158.2 Shortage in packages released under immediate delivery.

An importer may file a consumption or warehouse entry for less than the invoiced and manifested number of packages in a shipment "permitted" and delivered to him or deposited in a bonded warehouse under the immediate delivery provisions of § 8.59 of this chapter, if he files with the entry a Customs Form 5931, in triplicate. The Customs Form 5931 shall be executed by both the importer and the importing carrier or bonded carrier, as appropriate, and shall contain a declaration by the carrier that the missing packages were not available for delivery within the provisions of section 448(a), Tariff Act of 1930, as amended (19 U.S.C. 1448(a)).

#### § 158.3 Allowance for lost or missing packages included in an entry.

Allowance shall be made in the assessment of duties for lost or missing packages of merchandise included in an entry whenever it is established to the satisfaction of the district director before the liquidation of the entry becomes final that the merchandise claimed to be lost or missing was not "permitted." A claim for such allowance shall be made on Customs Form 5931, in triplicate, executed by the importer and the importing carrier or bonded carrier, as appropriate. When the importing or bonded carrier refuses to execute the Customs Form 5931, a claim may be allowed if the importer properly executes the Customs Form 5931 and attaches copies of the dock receipt or other document evidencing nonreceipt of the lost or missing packages.

#### § 158.4 Liability of carrier for lost or missing packages.

Upon a joint determination or independent determination of quantity as set forth in § 158.1 (a) or (b) resulting in the merchandise being "permitted," the carrier shall be responsible only for any discrepancy between the manifested quantity and the "permitted" quantity. In the case of an importing carrier, when there is a difference between the quantity shown on the inward foreign manifest and the quantity "permitted," liquidated damages or duties shall be assessed under the provisions of the carrier's bond or under the provisions of section 448, Tariff Act of 1930, as amended (19 U.S.C. 1448), unless the carrier corrects his manifest (see § 4.12 of this chapter). In the case of a bonded carrier, liquidated damages for lost or missing merchandise shall be assessed in accordance with § 18.8 of this chapter.

#### § 158.5 Deficiencies in contents of packages—general.

An allowance shall be made in the assessment of duties for deficiencies in the contents of packages when, before the liquidation of the entry becomes final, the importer files:

(a) In the case of a concealed shortage, a Customs Form 5931, in triplicate, executed by the importer alone, and the district director satisfies himself as to the validity of the claim; or,

(b) In the case of an unconcealed shortage, a Customs Form 5931, in triplicate, executed by both the importer and the importing or bonded carrier, as appropriate.

#### § 158.6 Deficiencies in contents of examination packages.

Allowance for deficiency in the contents of any examination package reported to the district director by a Customs officer shall be made in the liquidation of the entry. No Customs officer except one making an examination contemplated by section 499, Tariff Act of 1930, as amended (19 U.S.C. 1499), shall report a supposed deficiency to the district director unless it is established

to the satisfaction of the reporting officer that the merchandise was not imported.

(Sec. 499, 46 Stat. 728, as amended; 19 U.S.C. 1499)

### Subpart B—Damaged or Defective Merchandise

#### § 158.11 Merchandise completely worthless at time of importation.

(a) *Nonperishable merchandise.* When a shipment of nonperishable merchandise, or any portion thereof which shall have been segregated from the remainder of the shipment under Customs supervision at the expense of the importer, is found by the district director to be entirely without commercial value at the time of importation by reason of damage or deterioration, an allowance in duties on such merchandise on the ground of nonimportation shall be made in the liquidation of the entry.

(b) *Perishable merchandise.* In the case of perishable merchandise, an allowance in duties may be made under the following conditions:

(1) An application for such allowance shall be filed with the district director on Customs Form 4315 in duplicate, within 96 hours after the unloading of the merchandise and before any of the shipment involved has been removed from the pier pursuant to the entry permit.

(2) Should an application filed in accordance with subparagraph (1) of this paragraph be withdrawn, the merchandise involved shall thereafter be released upon presentation of an appropriate permit.

(3) Allowance in duty shall be made in the liquidation of the entry on such of the merchandise covered by the application as is found by the district director to be entirely without commercial value by reason of damage or deterioration.

(Sec. 506, 46 Stat. 732, as amended; 19 U.S.C. 1506)

#### § 158.12 Merchandise partially damaged at time of importation.

(a) *Allowance in value.* Merchandise which is subject to ad valorem or compound duties and found by the district director to be partially damaged at the time of importation shall be appraised in its condition as imported, with an allowance made in the value to the extent of the damage. However, no allowance shall be made when forbidden by law or regulation; for example, schedule 6, part 2, headnote 4, Tariff Schedules of the United States (19 U.S.C. 1202), provides that no allowance or reduction of duties for partial damage or loss in consequence of discoloration or rust occurring before importation shall be made upon iron or steel or upon any article of iron or steel.

(b) *No allowance in specific duties.* In the case of merchandise subject to specific or compound duties and found to be partially damaged at the time of importation, no allowance may be made in the specific duties or in the weight, quantity, or measure (except that an allowance for any excessive moisture or

other impurities may be made in accordance with § 158.13). However, any part of the shipment which is totally worthless and can be segregated from the rest of the shipment may be treated as a nonimportation in accordance with § 158.11.

(Sec. 506, 46 Stat. 732, as amended; 19 U.S.C. 1506)

#### § 158.13 Excessive moisture and other impurities.

(a) *Application by importer.* An application for an allowance in duties under section 507, Tariff Act of 1930 (19 U.S.C. 1507), for excessive moisture or other impurities not usually found in or upon such or similar merchandise shall be made by the importer on Customs Form 4315. The application shall be filed with the district director within 10 days after the report of weight or gauge has been received by the district director or within 10 days after the date upon which the entry or a related document was endorsed to show that invoice weight or gauge has been accepted by the Customs inspector or other Customs officer.

(b) *Allowance by district director.* If the district director is satisfied after any necessary investigation that the merchandise contains excessive moisture or other impurities not usually found in or upon such or similar merchandise, he shall make allowance for the amount thereof in the liquidation of the entry.

(c) *Limitations on allowance.* No allowance under this section shall be made when forbidden by law or regulation; for example, schedule 1, part 6B, headnote 2, Tariff Schedules of the United States (19 U.S.C. 1202), provides that no allowance in weight shall be made for dirt or other impurities in seed of any kind provided for in that subpart.

(Sec. 507, 46 Stat. 732; 19 U.S.C. 1507)

#### § 158.14 Perishable merchandise condemned.

(a) *Application by importer.* When fruit or other perishable merchandise has been condemned by health officers or other legally constituted authorities within 10 days after landing, an importer who desires allowance in duties under section 506(2), Tariff Act of 1930, as amended (19 U.S.C. 1506(2)), shall within 5 days after such condemnation file with the district director written notice of the condemnation. The date of landing in the case of merchandise forwarded under an entry for immediate transportation is the date of arrival at the port of destination.

(b) *Allowance in duties.* If the district director is satisfied after any necessary investigation that the claim is valid, allowance in duties shall be made in the liquidation of the entry. Such allowance shall be limited to perishable goods condemned by the health officers or authorities in the original package, unless segregation of the merchandise was under constant Customs supervision at the importer's expense.

(Sec. 506(2), 46 Stat. 732, as amended; 19 U.S.C. 1506(2))

### Subpart C—Casualty, Loss, or Theft While in Customs Custody

#### § 158.21 Allowance in duties for casualty, loss, or theft while in Customs custody.

Section 563(a), Tariff Act of 1930, as amended (19 U.S.C. 1563(a)), provides for allowance in duties upon satisfactory proof of the loss or theft of any merchandise while in the public stores, or of the actual injury or destruction, in whole or in part, of any merchandise by accidental fire or other casualty, while in bonded warehouse, or in the public stores, or while in transportation under bond, or while in Customs custody although not in bond, or while within the limits of any port of entry and before having been landed under Customs supervision. Such allowance is subject to the conditions set forth in this subpart.

#### § 158.22 Not applicable when allowances made under other provisions.

The procedures in this subpart do not apply in cases where allowances in duties are made under Subpart A or Subpart B of this part, or § 18.6 of this chapter.

#### § 158.23 Filing of application and evidence by importer.

Within 30 days from the date of his discovery of the loss, theft, injury, or destruction, the importer shall file an application in duplicate on Customs Form 4315, and within 90 days from the date of discovery shall file any evidence required by § 158.26 or § 158.27.

#### § 158.24 Place of filing.

The application and evidence shall be filed with the district director at the port where the loss, theft, injury, or destruction occurred. In the case of total loss of merchandise by fire or other casualty while in transportation under bond, the application and evidence shall be filed with the district director at the port at which the transportation entry was made. In the case of partial destruction of or injury to such merchandise, the application and evidence shall be filed with the district director at the port of destination, except that if the merchandise is returned to the port at which the transportation entry was made, the application shall be filed at that port.

#### § 158.25 Partial destruction or injury.

In the case of partial destruction or injury, no application shall be entertained unless the district director shall have had an opportunity to examine the merchandise or the remainder thereof for the purpose of fixing the percentage of injury or destruction. Whether the duty involved is ad valorem, specific, or compound, the percentage of injury for the purpose of the allowance shall be determined by comparing the market value of comparable sound merchandise with the net salvage value of the injured merchandise computed on the basis of the market value of comparable injured merchandise, such comparison to be made as of the time and place of examination.

**§ 158.26 Loss or theft in public stores.**

In the case of alleged loss or theft while the merchandise is in the public stores, there shall be filed a declaration of the importer, owner, or ultimate consignee that he did not receive the merchandise and that to the best of his knowledge and belief it was lost or stolen as alleged in the application. If the alleged loss or theft consisted of only a part of an examination package and was discovered after the release of the package from Customs custody, the following evidence shall be submitted:

(a) A declaration of each cartman, lighterman, or other carrier handling the package between the public stores and the place of delivery, setting forth the condition of the package at the time of receipt and delivery by him and whether or not there was an abstraction of the merchandise while the package was in his possession.

(b) A declaration of the person who first received the package for the importer, owner, or ultimate consignee as to whether or not he examined the package at the time of receipt, and, if so, as to its condition at that time.

(c) A declaration of the person who opened the package after release from Customs custody that the alleged missing merchandise was not found by him in the package or elsewhere.

**§ 158.27 Accidental fire or other casualty.**

In the case of injury or destruction by accidental fire or other casualty, the following evidence shall be submitted:

(a) A declaration of the master of the vessel, the conductor or driver of the vehicle, the proprietor of the warehouse, or other person (except a Customs officer) having charge of the merchandise at the time of casualty, stating:

(1) The time, place, and nature of such casualty;

(2) That the merchandise was on board the vessel or vehicle, in the warehouse, or otherwise in his charge, as the case may be, at the time of the casualty; and

(3) That it was totally destroyed and there is no probability of recovering or saving any part thereof, or that it was injured as the result of the casualty.

(b) The bill of lading, the entry, and the invoice covering the merchandise, or certified copies of the foregoing, unless such documents are already in the possession of the district director at the port where the claim is filed.

(c) A copy of the insurance appraiser's report, if any.

**§ 158.28 Waiver of evidence.**

The district director may waive the production of any of the evidence required by this subpart if the validity of the claim is otherwise established to his satisfaction.

**§ 158.29 Decision by district director.**

When the application and evidence have been received and examined by the district director, he shall determine whether the desired abatement or refund

of duty shall be made and notify the importer of his decision.

**§ 158.30 Review of district director's decision.**

(a) *Filing of petition.* The importer may file with the district director a petition addressed to the Commissioner of Customs for a review of the district director's decision. Such petition shall be filed in duplicate within 30 days from the date of the notice of the district director's decision, shall completely identify the case, and shall set forth in detail the objections to the district director's decision.

(b) *Decision by Commissioner.* When the petition has been filed, the district director shall promptly transmit both copies thereof and the entire file to the Commissioner, together with a full statement of his views. When the Commissioner's decision is received, the district director shall proceed in conformity therewith.

**Subpart D—Destroyed, Abandoned, or Exported Merchandise**

**§ 158.41 Destruction of prohibited merchandise.**

Merchandise regularly entered or withdrawn for consumption in good faith and denied admission into the United States by any Government agency after its release from Customs custody, pursuant to a law or regulation in force on the date of entry or withdrawal for consumption, may be destroyed under Government supervision. In such case, the destroyed merchandise is exempt from duty and any duties collected thereon shall be refunded. In lieu of destruction, the merchandise may be exported under Customs supervision in accordance with § 158.45(c).

(Sec. 558(a), 46 Stat. 744, as amended; 19 U.S.C. 1558(a))

**§ 158.42 Abandonment by importer within 30 days after entry.**

Allowance in duties for merchandise abandoned to the Government in accordance with section 506(1), Tariff Act of 1930, as amended (19 U.S.C. 1506(1)), shall be subject to the following conditions:

(a) *Minimum quantity to be abandoned.* The merchandise being abandoned shall represent 5 percent or more of the total value of all the merchandise of the same class or kind entered in the invoice in which the merchandise being abandoned appears.

(b) *Application within 30 days.* The importer shall file written notice of abandonment with the district director at the port where the entry was filed within 30 days after the date of entry, or, in the case of examination packages, within 30 days after release, whether or not delivery is taken by the importer immediately after entry or release as the case may be.

(c) *Delivery of merchandise.* Within the 30-day period set forth in paragraph (b) of this section, the importer shall deliver the abandoned merchandise to such place as the district director speci-

fies, unless the district director is satisfied that the merchandise is so far destroyed as to be nondeliverable.

(d) *Identification of merchandise.* The importer shall identify the abandoned merchandise with that described in the invoice used in making entry to the satisfaction of the district director, who shall make such examination as may be necessary to verify such identification.

(e) *Segregation and repacking.* When repacking is necessary to segregate the abandoned merchandise from the remainder of the shipment, such repacking shall be done at the expense of the importer and under Customs supervision.

(Sec. 506, 46 Stat. 732, as amended; 19 U.S.C. 1506)

**§ 158.43 Abandonment or destruction of merchandise in bond.**

Allowance in duties for merchandise entered under bond destroyed under section 557(c), Tariff Act of 1930, as amended (19 U.S.C. 1557(c)), or for merchandise in bonded warehouse abandoned to the Government under section 503(b), Tariff Act of 1930, as amended (19 U.S.C. 1563(b)), shall be subject to the following conditions:

(a) *Application by importer.* The importer shall file an application for abandonment or destruction of merchandise in bond with the district director on Customs Form 3499, with the title modified to read "Application and Permit to Abandon (or Destroy) Goods in Bond." When an application is for permission to destroy, the proposed method of destruction shall be stated in the application and be subject to the approval of the district director.

(b) *Concurrence of warehouse proprietor.* An application to abandon or destroy warehoused merchandise shall not be approved unless concurred in by the warehouse proprietor.

(c) *Costs of abandonment.* When in the opinion of the district director the abandonment of merchandise under section 563(b), Tariff Act of 1930, as amended (19 U.S.C. 1563(b)), will involve any expense or cost to the Government, or if the merchandise is worthless or unsalable, or cannot be sold for a sum sufficient to pay the expenses of sale, such abandonment shall not be permitted unless the importer deposits a sum which in the opinion of the district director will be sufficient to save the Government harmless from any expense or cost resulting from such abandonment. The sum so advanced shall be placed in a special deposit account and expended to cover the cost of destruction or to meet any deficit should the merchandise be sold and the proceeds of sale be less than the expenses of such sale. After meeting such expenses or deficit, any balance remaining shall be refunded to the importer. However, the applicant may elect to destroy such merchandise under Customs supervision pursuant to the provisions of section 557(c), Tariff Act of 1930, as amended (19 U.S.C. 1557(c)).

(d) *Costs of destruction.* Destruction of merchandise under section 557(c),



Tariff Act of 1930, as amended (19 U.S.C. 1557(c)), shall be at the expense of the importer.

(e) *Action by district director.* When the conditions set forth in paragraphs (a) through (d) of this section are met, the district director may grant applications and make an allowance in duties for the merchandise abandoned or destroyed. In any case where doubt exists, the matter shall be referred to the Commissioner of Customs.

(Secs. 557, 563, 46 Stat. 744, as amended, 746, as amended; 19 U.S.C. 1557, 1563)

**§ 158.44 Disposition of abandoned merchandise.**

(a) *General conditions.* The disposition of merchandise abandoned to the Government pursuant to section 158.42 or 158.43, and not retained for official use, shall be governed by the regulations of the General Services Administration applicable to the Bureau of Customs.

(b) *Sale of merchandise.* If the merchandise is cleared for sale, it shall be sold in accordance with the applicable provisions of Part 20 of this chapter, unless it is worthless or it appears probable that the expenses of sale will exceed the proceeds. If the merchandise is sold, no part of the proceeds shall be returned to the importer.

(c) *Disposition of worthless merchandise.* If the merchandise or any part thereof is worthless or it appears probable that the expenses of its sale will exceed the proceeds, it shall be destroyed or otherwise disposed of as the district director shall specify. The district director shall insure that such merchandise is destroyed or removed from the control of the importer to avoid the possibility of any part of the same merchandise being made the subject of another application.

(Secs. 506(1), 563(b), 46 Stat. 732, as amended, 746, as amended; 19 U.S.C. 1506(1), 1563(b))

**§ 158.45 Exportation of merchandise.**

(a) *From continuous Customs custody.* Merchandise in Customs custody for which entry has not been completed and merchandise which has remained in continuous Customs custody that is covered by a liquidated or unliquidated consumption entry may be exported under Customs supervision in accordance with §§ 18.25-18.27 of this chapter, with refund of any duties that have been paid.

(b) *After release from Customs custody.* Except as provided for in paragraphs (c) and (d) of this section, no refund or other allowance in duties shall be made because of the exportation of merchandise after its release from Customs custody unless a drawback of duties is expressly provided for by law (see Part 22 of this chapter).

(c) *Prohibited merchandise.* If merchandise has been regularly entered or withdrawn for consumption in good faith and is thereafter found to be prohibited entry under any law of the United States, it may be exported under Customs super-

vision in accordance with §§ 18.25-18.27 of this chapter, with refund of any duties that have been paid. In lieu of exportation, the merchandise may be destroyed in accordance with § 158.41.

(d) *Not legally marked merchandise.* When merchandise found to be not legally marked is exported or destroyed under Customs supervision after once having been released from Customs custody, as provided for in section 304(c), Tariff Act of 1930, as amended (19 U.S.C. 1304(c)), such exportation or destruction shall not exempt such merchandise from the payment of duties other than the marking duties.

(Sec. 558, 46 Stat. 744, as amended; 19 U.S.C. 1558)

**PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES**

**§ 4.12 [Amended]**

Section 4.12(a) (2) is amended by deleting “§ 15.8(a) (2)” and substituting “§ 158.3” in its place.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

**PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE**

**§§ 8.25, 8.28 [Amended]**

1. In § 8.25, paragraph (d) is amended by substituting “158.44” for “15.6”.

2. In § 8.28, paragraph (b) is amended by substituting “subpart A of section 158” for “section 15.8”.

**§ 8.49 [Deleted]**

3. Part 8 is amended by deleting § 8.49.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

**PART 12—SPECIAL CLASSES OF MERCHANDISE**

**§§ 12.6 and 12.15 [Amended]**

Sections 12.6(b) and 12.15 are amended by substituting “§§ 158.41 and 158.45 (c)” for “§§ 8.49(b) and 15.5”.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

**PART 13—EXAMINATION, MEASUREMENT, AND TESTING OF CERTAIN PRODUCTS**

**§ 13.10 [Amended]**

In § 13.10, paragraph (f) is amended by substituting “§ 158.13” for “§ 15.7”.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

**PART 15—RELIEF FROM DUTIES ON MERCHANDISE LOST, STOLEN, DESTROYED, INJURED, ABANDONED, OR SHORT-SHIPED**

Chapter I of Title 19, Code of Federal Regulations, is amended by deleting Part 15.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

**PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT**

**§ 18.25 [Amended]**

In § 18.25, paragraph (b) is amended by substituting “§ 158.45” for “§ 8.49”.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

**PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE**

**§ 24.17 [Amended]**

Section 24.17(a) (11) is amended by deleting reference to “§§ 8.5(b), 15.2, 15.3 (b), and 15.10” and substituting “§§ 8.5 (b), 158.11, 158.14, and 158.42” in its place.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

**PART 147—TRADE FAIRS**

**§ 147.46 [Amended]**

Section 147.46 is amended by substituting “§ 158.43” for “§ 15.4”.

(R.S. 251, sec. 624, 46 Stat. 759; sec. 7, 73 Stat. 19; 19 U.S.C. 66, 1624, 1750)

**PARALLEL REFERENCE TABLE**

(This table shows the relation of sections in revised Part 158 to 19 CFR Part 15)

<i>Revised Section</i>	<i>Superseded Section</i>
158.0 -----	Now.
158.1 (a) and (b) -----	15.8(c).
158.2 -----	15.8(a) (1).
158.3 -----	15.8(a) (2).
158.4 -----	15.8 (a) (2) and (d).
158.5 (a) and (b) -----	15.8(a) (3).
158.6 -----	15.8(b).
158.11(a) -----	15.10(a).
158.11(b) -----	15.10(b).
158.12 (a) and (b) -----	Now.
158.13(a) -----	15.7(a).
158.13(b) -----	15.7(b).
158.13(c) -----	Now.
158.14 (a) and (b) -----	15.2 and footnote 3.
158.21 -----	15.1(a) footnote 2.
158.23 -----	15.1 footnote 1.
158.22 -----	15.1(a).
158.24 -----	15.1(b).
158.25 -----	15.1(b).
158.26 (a)-(c) -----	15.1(c).
158.27 (a)-(c) -----	15.1(d).
158.28 -----	15.1(e).
158.29 -----	15.1(f).
158.30 (a) and (b) -----	15.1(f).
158.41 -----	15.5.
158.42 (a)-(e) -----	15.3 (a) and (b).
158.43(a) -----	15.4(a).
158.43(b) -----	15.4(a).
158.43(c) -----	15.4(c).
158.43(d) -----	Now.
158.43(e) -----	15.4(d).
158.44(a) -----	15.6(a).
158.44(b) -----	15.6(a).
158.44(c) -----	15.6(b).
158.45(a) -----	8.49 (a) and (c).
158.45(b) -----	Now.
158.45(c) -----	8.49(b).
158.45(d) -----	Now.

[FR Doc.72-16413 Filed 9-26-72;8:47 am]

**PART 153—ANTIDUMPING****Instant Potato Granules From Canada**

SEPTEMBER 25, 1972.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that instant potato granules from Canada are being, or are likely to be, sold at less than fair value, within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of June 7, 1972 (37 F.R. 11361, F.R. 72-8684).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the U.S. Tariff Commission responsibility for determination of injury or likelihood of injury. The U.S. Tariff Commission has determined, and on September 7, 1972, it notified the Secretary of the Treasury that an industry in the United States is likely to be injured by reason of the importation of instant potato granules from Canada sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of September 12, 1972 (37 F.R. 18505, F.R. 72-15501).)

On behalf of the Secretary of the Treasury, I hereby make public these de-

terminations, which constitute a finding of dumping with respect to instant potato granules from Canada.

Section 153.43 of the Customs regulations is amended by adding the following to the list of findings of dumping F.R. 11361, F.R. 72-8684.)

Merchandise	Country	T.D.
Instant potato granules	Canada	72-203

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] EUGENE T. ROSSIDES,  
Assistant Secretary of the Treasury.

[F.R. Doc. 72-16566 Filed 9-26-72; 8:51 am]

**Title 24—HOUSING AND URBAN DEVELOPMENT****Chapter X—Federal Insurance Administration, Department of Housing and Urban Development****SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM****PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE****Status of Participating Communities**

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

**§ 1914.4 Status of participating communities.**

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Alabama	Baldwin	Fairhope	...	...	...	Sept. 22, 1972. Emergency.
Florida	Brevard	Unincorporated areas.	I 12 009 0000 04 through I 12 009 0000 33	Department of Community Affairs, 300 Office Plaza, Tallahassee, Fla. 32301.	Office of the Clerk of the Circuit Court, 556 Palm Avenue, Titusville, FL 32760.	Nov. 17, 1970. Emergency. Sept. 22, 1972. Regular.
Do.	Palm Beach	Jupiter	I 12 009 1500 01 through I 12 009 1500 05	State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Jupiter Town Hall, Town Hall Road, Jupiter, FL 33458.	Nov. 2, 1971. Emergency. Sept. 22, 1972. Regular.
Do.	do	Jupiter Inlet Colony.	I 12 009 1503 01	do.	Office of the Town Manager-Clerk, Town of Jupiter Inlet Colony, Box 725, Jupiter, FL 33458.	Nov. 9, 1971. Emergency. Sept. 22, 1972. Regular.
Do.	do	Riviera Beach	I 12 009 2600 01 through I 12 009 2600 02	do.	Office of the City Engineer, City of Riviera Beach, Post Office Box 9707, Riviera Beach, FL 33404.	Nov. 27, 1971. Emergency. Sept. 22, 1972. Regular.
Kentucky	Marshall	Benton	...	...	...	Sept. 22, 1972. Emergency. Do.
Massachusetts	Essex	Nahant	...	...	...	June 17, 1970. Emergency. Sept. 22, 1972. Regular.
Texas	Nueces	Unincorporated areas.	I 48 355 0000 03 through I 48 355 0000 18	Texas Water Development Board, Post Office Box 13887, Capitol Station, Austin, TX.	Office of the County Engineer, Nueces County Courthouse, Corpus Christi, Tex. 78401.	Sept. 22, 1972. Regular.
Do.	Guadalupe	do.	...	Texas Insurance Department, 1110 San Jacinto St., Austin, TX 78701.	...	Sept. 22, 1972. Emergency.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: September 18, 1972.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[F.R. Doc. 72-16419 Filed 9-26-72; 8:48 am]

## PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

## List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

## § 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama.....	Baldwin.....	Fairhope.....	...	...	...	...
Florida.....	Brevard.....	Unincorporated areas.	H 12 009 0000 04 through H 12 009 0000 36	Department of Community Affairs, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurers Office, The Capitol, Tallahassee, Fla. 32304.	Office of the Clerk of the Circuit Courthouse, 606 Palm Avenue, Titusville, FL 32780.	Sept. 22, 1972. Emergency. Nov. 17, 1970.
Do.....	Palm Beach.....	Jupiter.....	H 12 009 1600 01 through H 12 009 1600 05 H 12 009 1603 01	do.....	Jupiter Town Hall, Town Hall Road, Jupiter, Fla. 33458.	Nov. 2, 1971.
Do.....	do.....	Jupiter Inlet Colony.	do.....	do.....	Office of the Town Manager-Clerk, Town of Jupiter Inlet Colony, Box 723, Jupiter, Fla. 33458.	Nov. 9, 1971.
Do.....	do.....	Riviera Beach.....	H 12 009 2630 01 H 12 009 2630 02	do.....	Office of the City Engineer, City of Riviera Beach, Post Office Box 9767, Riviera Beach, Fla. 33491.	Nov. 27, 1971.
Kentucky.....	Marshall.....	Benton.....	...	...	...	Sept. 22, 1972.
Massachusetts.....	Essex.....	Nahant.....	...	...	...	Do.
Texas.....	Nueces.....	Unincorporated areas.	H 48 355 0000 03 through H 48 355 0000 18	Texas Water Development Board, Post Office Box 13097, Capitol Station, Austin, TX. Texas Insurance Department, 1110 San Jacinto St., Austin, TX 78701.	Office of the County Engineer, Nueces County Courthouse, Corpus Christi, Tex. 78401.	June 17, 1970.
Do.....	Guadalupe.....	do.....	...	...	...	Sept. 22, 1972.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (83 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: September 18, 1972.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.72-16420 Filed 9-26-72;8:48 am]

## Title 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice

#### PART 212 — DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

##### Suspension of Documentary Waiver for Aliens in Immediate Transit Without Nonimmigrant Visa

In the light of the determination of emergency by the Secretary of State and his order of September 22, 1972, with the concurrence of the Attorney General, suspending until January 1, 1973, the regulation (22 CFR 41.6(e)) authorizing the admission of aliens in immediate transit without nonimmigrant visa, the provisions of paragraph (e) *Direct transits* of § 212.1 *Documentary requirements for nonimmigrants* of Title 8 of the Code of Federal Regulations, authorizing such admissions, are hereby suspended until January 1, 1973.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: September 25, 1972.

RAYMOND F. FARRELL,  
Commissioner of  
Immigration and Naturalization.

[FR Doc.72-16568 Filed 9-26-72;9:44 am]

## Title 22—FOREIGN RELATIONS

### Chapter I—Department of State

[Dept. Reg. 108-677]

#### PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

##### Nonimmigrant Documentary Waiver; Suspension

The general increased threat of terrorist activities in the United States, together with indications that such activities may be planned during the current sessions of the United Nations General Assembly, have created an emergent situation in which it is necessary to screen more carefully applicants for entry into the United States. The provision for admission of aliens in immediate transit without nonimmigrant visa precludes

screening of such aliens prior to their arrival at a port of entry in the United States. Therefore, Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended by suspending until January 1, 1973, the waiver of the non-immigrant visa requirement in the case of aliens in immediate transit.

Paragraph (e) of § 41.6 is suspended until January 1, 1973.

*Effective date.* The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER (9-27-72).

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

Dated: September 22, 1972.

WILLIAM P. ROGERS,  
Secretary of State.

Concurred in:

RICHARD G. KLEINDIENST,  
Attorney General.

SEPTEMBER 25, 1972.

[FR Doc.72-16567 Filed 9-26-72;9:44 am]



# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Internal Revenue Service

I 26 CFR Part 1 I

### INCOME TAX

#### Requirements of a Domestic International Sales Corporation (DISC)

##### Correction

In F.R. Doc. 72-15625 appearing at page 18475 of the issue of Tuesday, September 12, 1972, the first two lines of amendatory paragraph 1, which refer to "§ 1.922-1", should refer to "§ 1.992-1".

## DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

I 25 CFR Part 162 I

### ROADS OF THE BUREAU OF INDIAN AFFAIRS

#### Public Hearings on Road Projects

SEPTEMBER 5, 1972.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938).

Notice is hereby given that it is proposed to add a new subheading "Public Hearings on Road Projects" and new §§ 162.10-162.20 to Part 162, Subchapter O, Chapter I, of Title 25 of the Code of Federal Regulations. This addition is proposed pursuant to the authority contained in the National Environmental Policy Act of 1969 (Public Law 91-190, 83 Stat. 852); Executive Order 11514, March 5, 1970; and 49 CFR 25.83.

The purpose of the new sections is to establish procedures and criteria for conducting public hearings on Bureau of Indian Affairs roads proposals. The hearings will acquaint interested persons with road proposals which may affect them and will give them a chance to express their views on the proposals before the proposals are adopted.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed regulations to the Commissioner, Bureau of Indian Affairs, Washington, D.C. 20242, no later than 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Part 162 of Chapter I, Title 25 of the Code of Federal Regulations shall read as follows:

### PART 162—ROADS OF THE BUREAU OF INDIAN AFFAIRS

- |       |   |
|-------|---|
| Sec.  | Purpose.  |
| 162.1 | Definitions.  |
| 162.2 | Construction, maintenance, repair, and improvement.                               |
| 162.3 | Approval of road plans and designations as roads of the Bureau of Indian Affairs. |
| 162.4 | Consent of Indian landowners.   |
| 162.5 | Use of roads.   |
| 162.6 | Roadless and wild areas.  |
| 162.7 | Transfer of jurisdiction for maintenance to a State.                              |
| 162.8 | Cooperation with States or Indian tribes.   |
| 162.9 |   |
- PUBLIC HEARINGS ON ROAD PROJECTS**
- |        |                                       |
|--------|---------------------------------------|
| 162.10 | Purpose and objectives.               |
| 162.11 | Criteria.                             |
| 162.12 | Need for public hearing determined.   |
| 162.13 | Notice of road construction projects. |
| 162.14 | Notice of public hearing.             |
| 162.15 | Record of hearing proceedings.        |
| 162.16 | Conducting the public hearing.        |
| 162.17 | Written statements.                   |
| 162.18 | Hearing statement.                    |
| 162.19 | Appeals.                              |
| 162.20 | Project held pending appeal decision. |

**AUTHORITY:** The provision of these §§ 162.1-162.9 issued under 45 Stat. 750; 25 U.S.C. 318a. Interpret or apply sec. 6, 49 Stat. 1521, as amended; 25 U.S.C. 318b. Sections 162.10-162.20 issued under 83 Stat. 852; E.O. 11514, March 5, 1970; and 49 CFR 25.83.

#### PUBLIC HEARINGS ON ROAD PROJECTS

##### § 162.10 Purpose and objectives.

The regulations in this subpart govern the calling and conducting of public hearings on Bureau of Indian Affairs road projects. The Bureau's objectives in conducting public hearings on road projects are to:

- Insure that human, social, economic, and natural environmental factors are considered in roads projects,
- Insure that final road plans are consistent with overall tribal objectives for the development of the reservation road system.

(c) Inform interested persons of road proposals which affect them and allow them to express their views while flexibility to respond to their views still exists, and

(d) Promote coordination and comprehensive planning of construction activities both within the Bureau of Indian Affairs and between the Bureau and other public and private agencies relating to development of Indian reservations.

##### § 162.11 Criteria.

A public hearing should be held for each road project that:

- Produces a significant environmental impact,
- Is on a new location,
- Would essentially change the layout or function of connecting roads or streets,

(d) Would bypass or go through communities or towns,

(e) Would have an adverse effect upon abutting real property, or

(f) Is expected to be of a controversial nature.

##### § 162.12 Need for public hearing determined.

The Agency Superintendent will call a meeting of representatives from the tribe, Agency Office, and other appropriate agencies to determine for each road project if a public hearing is needed. The determination will be based on the criteria given in § 162.11. The preliminary design work should be completed on a project before a meeting is called to determine if a public hearing is needed. More than one public hearing may be held for a project if necessary.

##### § 162.13 Notice of road construction projects.

When no public hearing is scheduled for a road construction project, notice of the road construction project must be given at least 90 days before the date construction is scheduled to begin. The notice should give the project name and location, the type of improvement planned, the date construction is scheduled to start, method planned for performing work, estimate of project cost, and name and address of office where more information can be obtained. The notice should be posted in public locations, published in local newspapers, and circulated to appropriate groups.

##### § 162.14 Notice of public hearing.

(a) A notice will be prepared to inform the public of the scheduled hearing. The notice should give the date, time, and place of the scheduled hearing; the project location; the proposed work to be done; and the place where more information on the project can be obtained. The notice should be published in local newspapers, posted in conspicuous public locations, and circulated to appropriate groups designated by the Superintendent. Notice should be given at least 15 days before the scheduled date of the public hearing and again at least 5 days before the hearing date.

(b) If the public hearing is scheduled for a project on which an environmental impact statement has or will be issued, notice of the hearing should also be published in the FEDERAL REGISTER at least 30 days before the scheduled hearing date.

##### § 162.15 Record of hearing proceedings.

A written verbatim record of the hearing should be made. The record should include written statements submitted at the hearing or within 5 days following the hearing.

## DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## [ 7 CFR Part 987 ]

DOMESTIC DATES PRODUCED OR  
PACKED IN RIVERSIDE COUNTY,  
CALIF.Administrative Rules; Grade and Size  
Regulations; Revision

Notice is hereby given of a proposal to revise Subpart—Administrative Rules and Regulations (7 CFR 987.100-987.174; 37 F.R. 1159; 5282; 6566; 6729; 7873; and 10067), Subpart—Grade and Size Regulations (7 CFR 987.202-987.219; 36 F.R. 23894, 37 F.R. 4900; 5282; 6729; 7874; and 10067) and Subpart—Market Development (7 CFR 987.401). The subparts operative are pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in Riverside County, Calif. The amended marketing agreement and order (hereinafter referred to collectively as the "order"), are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal is based upon a unanimous recommendation of the California Date Administrative Committee.

The revision of said subparts would delete obsolete and repetitive provisions and simplify remaining provisions so that they are more reflective of current industry practices. The administrative rules and regulations would be republished as Subpart—Administrative Rules (7 CFR 987.101-987.168); volume, grade and size regulations would be republished as Subpart—Grade and Size Regulations (7 CFR 987.202-987.219); and provisions on market determinations and development as Subpart—Market Determinations (7 CFR 987.401-987.403).

Consideration will be given to any written data, views, or arguments, pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 4, 1972. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

## Subpart—Administrative Rules

## DEFINITIONS

## § 987.101 Lot.

"Lot" means the aggregate quantity of dates of the same variety, style, type and grade in like containers with like identification either (a) packed as a continuous production segment, or (b) offered for inspection as a shipping, storage, or other unit.

## § 987.102 Lot number.

"Lot number" is synonymous with code and means a combination of letters or numbers, or both, acceptable to the Committee, showing at least the date of packing, the variety, and the outlet category of the dates. The combination of letters or numbers, or both, imprinted on the containers shall differ from those of any other lot coded within a 3-year period.

## § 987.103 Utility dates.

The term "utility dates" is synonymous with the term "substandard dates" and means dates of a grade lower than any category of restricted dates but higher than cull dates.

## INSPECTION

## § 987.141 Inspection and certification.

(a) Each handler shall furnish, or cause the inspection service to furnish, to the committee a copy of the inspection certificate issued to him on each lot of dates handled, exported, or used in products, and such certificate shall contain at least the following information: (1) The date of inspection; (2) the name of the handler; (3) a lot number and the applicable outlet category set forth in § 987.145; (4) the variety and weight of the dates in the lot; (5) the number and type of containers in the lot; and (6) if the dates (i) are other than field-run dates, a certification as to the grade of the dates and whether they meet the grade and size regulations prescribed for the outlet, or (ii) are field-run dates, a certification showing the percentage, by weight, of sound dates in the lot, as prescribed in § 987.202(c).

## VOLUME REGULATION

## § 987.145 Volume regulation.

(a) *Identification of dates.* (1) *General.* Prior to applying the markings required by this paragraph, each handler shall remove or delete from each container all former identifying marks which conflict with those applicable to the dates currently in the container. Dates of each outlet category shall be held, stored, or shipped in a manner to preserve its identity.

(2) *Free dates.* Prior to or at the time of inspecting free dates (i.e., dates packed for handling or dates for further processing) each handler shall mark all shipping and storage containers (not including subcontainers) with his name or that of the distributor for whom the handler is packing, and the lot number. These markings shall be legible and not less than five-sixteenths ( $\frac{5}{16}$ ) inch in height on containers exceeding 6 pounds net weight and not less than one-eighth ( $\frac{1}{8}$ ) inch in height on smaller containers. If the dates are certified as dates packed for handling, the handler shall mark, under the supervision of the inspection service, each container with the date of inspection, the name or insignia of the inspection service, and the letters "DAC." If the dates are certified as dates for further processing and are to be removed from the

## § 162.16 Conducting the public hearing.

(a) The Agency Superintendent will appoint a tribal or Bureau of Indian Affairs official to serve as a chairman at the public hearing.

(b) The purpose of the hearing and an outline of items to be discussed should be presented at the beginning of the hearing. It should be made clear that the purpose of the hearing is not to reconsider reservation road priorities or the merits of one road project over another. Maps and project plans should be displayed at the hearing for public review. The public should be informed of the Bureau's road construction procedures on reservations and location alternative studies made by the Bureau. The social, economic, and environmental aspects of the projects which were considered should be reported and the summary of any environmental impact statement read. If the project will require relocating residences, information on relocation services and authorized payments should be given.

(c) During the hearing, ample free time should be allowed for individuals to inspect the project plans and consult with technical personnel and with each other.

## § 162.17 Written statements.

Written statements may be submitted as well as oral statements made at the public hearing. Written statements may also be submitted during the 5 days following the hearing.

## § 162.18 Hearing statement.

If issues develop at the public hearing or there are unanswered questions, the Agency Superintendent will issue a hearing statement giving the results of the public hearing and his decision as to the action to be taken. The hearing statement shall be made public within 20 days of the date of the public hearing. The hearing statement will be posted at the place where the hearing was held and will be sent to interested groups who attended. The hearing statement will outline procedures whereby the decision of the Agency Superintendent may be appealed.

## § 162.19 Appeals.

Any decision concerning the proposed road project may be appealed in accordance with the procedure set forth in Part 2 of this title. If the appeals are dismissed or if no appeals are filed within 20 days of a decision, the decision becomes final and cannot be further appealed.

## § 162.20 Project held pending appeal decision.

When a decision of the Superintendent is appealed, no further action will be taken on the project until a final decision has been made.

JOHN O. CROW,  
Deputy Commissioner.

[FR Doc.72-16406 Filed 9-26-72;8:48 am]

place of inspection, each container shall be marked with the letters "FP." If the dates certified for further processing are to be stored at the place where inspected, they shall be stored separate from all other outlet categories of dates.

(3) *Restricted and other marketable dates for export.* Prior to or at the time of inspecting restricted and other marketable dates for export, each handler shall mark all shipping and storage containers (not including subcontainers) with his name or that of the exporting firm, and the lot number. Such markings shall be legible and not less than five-sixteenths ( $\frac{5}{16}$ ) inch in height on containers exceeding 5 pounds net weight and not less than one-eighth ( $\frac{1}{8}$ ) inch in height on smaller containers. If the dates are certified as meeting the grade and size requirements for export to approved countries other than Mexico (including field-run dates with cull dates removed and dates for further processing), the dates shall be marked "EXPORT." If the dates have been packed for export to Mexico, inspected and certified as meeting the grade and size requirements for export to Mexico, the dates shall be marked "Export MEXICO." However, the words "EXPORT MEXICO" shall be in letters not less than three-fourths ( $\frac{3}{4}$ ) inch in height on containers exceeding 5 pounds net weight and not less than one-eighth ( $\frac{1}{8}$ ) inch in height on smaller containers. Dates certified as dates packed for handling and marked "DAC," and dates certified for further processing and marked "FP," may be exported without change of marking.

(4) *Products.* Dates inspected and certified as meeting the grade and size requirements for products shall be stored as a unit marked "RESTRICTED." In addition, each container in such unit shall be marked with the lot number, and if for shipment outside the area of production with the word "PRODUCTS," in letter size not less than five-sixteenths ( $\frac{5}{16}$ ) inch in height on containers exceeding 5 pounds net weight and not less than one-eighth ( $\frac{1}{8}$ ) inch in height on smaller containers. Utility dates permitted to be used in products shall be stored as a unit and the containers marked the same as the aforementioned containers of dates. In addition, the word "UTILITY" shall be marked on containers of utility dates for shipment outside the area of production. The Committee may waive the marking of individual containers whenever a handler, or an approved date product manufacturer, establishes and utilizes a procedure that maintains the identity of the lot and assures that the dates certified for products are used in products.

(5) *Dates for deferment of withholding.* A handler may defer his certification and disposition of restricted dates and pledge graded or field-run dates against a future satisfaction of withholding in accordance with paragraph (e) of this section: *Provided*, That he stores the pledged dates as a unit in a specific location and identifies the unit as "RE-

STRICTED" and as "GRADED" or "FIELD-RUN" and as to the number of containers, the date of setaside, and whether the dates have been inspected.

(b) *Change of outlet.* A handler may change the outlet category for any lot of certified dates: *Provided*, That prior to such change, the handler files a completed CDAC Form No. 1(a) and a new inspection certificate with the Committee. If the grade and size requirements of the new outlet category are the same as or below the requirements of the outlet category previously intended, only a condition inspection is required. If the grade and size requirements of the new outlet category are greater, a complete inspection is required and the handler shall change the marking on the containers to conform with the identification requirements prescribed in paragraph (a) of this section for the new outlet.

(c) *Free dates for further processing.* In accordance with § 987.45(c), withholding and assessment obligations on free dates certified for further processing shall be met upon demand on the basis of the quantity of such dates inspected and certified as meeting the applicable grade and size requirements. However, if such dates are subsequently processed and packed within the area of production, the withholding and assessment obligations shall be adjusted to reflect any increase in weight. Free dates certified for further processing shall not be shipped out of the area of production except to persons in the United States capable of processing and packing the dates and having them certified as dates packed for handling, or to such specialty outlets as the Committee may exempt from any further required processing pursuant to § 987.52.

(d) *Satisfying the withholding obligation.* For any variety of dates for which free and restricted percentages have been established, the Committee shall credit the quantity of that variety a handler has certified as EXPORT, EXPORT MEXICO, or PRODUCTS, including DAC or FP dates recertified for disposition in such outlet categories, against his withholding obligation for such variety, but not in excess of such obligation. Disposition of marketable dates in restricted outlets in excess of a handler's withholding obligation may be: (1) Transferred pursuant to § 987.45 upon such handler filing a completed CDAC Form No. 14 with the Committee, or (2) credited to the handler's withholding obligation of the following crop year: *Provided*, That the excess disposition exceeds 199 pounds, but in no event shall the quantity credited exceed 40 percent of the handler's withholding obligation of the preceding crop year and 100 percent of his October through December withholding obligation of the following crop year. All accumulation shall be contingent upon the Committee receiving, in due course, confirmation that the dates were disposed of in eligible restricted outlets.

(e) *Deferring the withholding obligation.* Any handler may defer any amount

of his certification and withholding or disposition of restricted dates by setting aside and pledging a comparable volume of graded or field-run dates as a surety that he will meet this withholding obligation. Such deferment shall not be effective until the handler files with the Committee its CDAC Form No. 12 to set aside graded dates or CDAC Form No. 13 to set aside field-run dates (whereby he agrees to the conditions set forth in § 987.45) and until he has set aside and identified the dates as required by subparagraph (5) of paragraph (a) of this section. In the event a handler sets aside field-run dates or disposes of them in outlets prescribed in or pursuant to § 987.56 to obtain withholding credit for the sound date portion, the field-run dates shall meet the requirements prescribed in § 987.202(c) for eligible field-run dates, as determined by the inspection service.

(f) *Whole equivalent of pitted dates.* When pitted dates are certified or appear in sales reports or inventories, their whole date equivalent weight shall be determined by dividing the weight of the pitted dates by 0.875.

#### SURPLUS

##### § 987.147 Surplus.

(a) *General.* Surplus dates delivered to the Committee pursuant to § 987.47 shall be pooled for sale to livestock feeders, distillers, or manufacturers of inedible products: *Provided*, That if any portion of the deliveries differ sufficiently to require separate handling, and earn a different average return, such portion shall be handled as a separate pool. The income from sale of surplus, after deduction of committee expenses, shall be paid to the respective equity holders in the pool or pools, or to their assignees, on the basis of the weight of dates each delivered.

(b) *Delivery.* The Committee may refuse delivery of any surplus dates which it determines are excessively soured, fermented, or adulterated by palm debris, rocks, paper, wood, plastic liners, or other foreign material. If the Committee refuses delivery, the deliverer shall be permitted to clean such dates sufficiently to make them acceptable to the Committee. The weight of each accepted delivery shall be that determined by a public weighmaster or, in the absence of such weight, that determined by the Committee on the basis of the number and size of the containers used in the delivery. Upon delivery of surplus dates to the Committee, the deliverer, or a designee of the Committee shall execute CDAC Form SP-1, Delivery Manifest, showing: (1) The person to receive payment of the net proceeds for the surplus, (2) the date and place of loading, (3) if field surplus, the location and owner of the garden, (4) the type and number of containers loaded or dumped, (5) the net weight of the load, and (6) if the delivery is directly to a buyer's truck, the driver of the truck and buyer.

## QUALIFICATION TO REGULATION

## § 987.151 Interhandler transfers.

When any handler transfers dates, other than dates certified for products, to another handler, the selling handler shall promptly notify the Committee by filing with it a completed CDAC Form No. 1 and shall show the name and address of the transferring or selling handler and of the receiving or buying handler, the variety and processed category or classification of the dates, the lot number and inspection certificate number on any lot of packed and certified dates, the number and type of containers, the net weight of the transferred dates, and if applicable, the transferring handler's statement on assuming the withholding and assessment obligation. A transfer of products dates between handlers shall be reported as a disposition by the selling handler filing with the Committee a completed CDAC Form No. 8.

## § 987.152 Exemption from regulations.

(a) *Producer exemption.* The Committee may permit any producer to sell dates of his own production free of the requirements of §§ 987.41, 987.45, 987.48, and 987.72 when sold directly to consumers through a roadside stand or date shop owned or operated by him within 25 miles of the city limits of Indio, Calif., or through shipments by parcel post or express. Permission to so sell dates shall be granted only upon the producer filing with the Committee a completed CDAC Form No. 9 wherein the producer describes how he plans to sell and agrees to sell only dates of free date quality of his own production in his direct sales and to report his sales. If the producer fails to comply with his agreement the Committee may revoke any or all exemptions granted the producer.

(b) *Handler exemptions.* (1) *Specialty sales.* The Committee may permit any handler to sell to health food stores or health food outlets, dates which meet the minimum grade requirements for free dates except for moisture. It may permit any handler to sell to a candy manufacturer hand-pitted dates which meet the minimum grade requirements for free dates except for size or damage due to cutting and pitting. Also, it may permit any handler to sell hand-layered dates in tin, wood, plastic, or other type of container exempt from §§ 987.41(a) and 987.48, or to make shipments by common carrier of up to 150 pounds to any one purchaser in any one day exempt from the provisions of § 987.41 (a): *Provided*, That the hand-layered dates or the shipment to a single purchaser in any one day have been packed from dates certified as meeting the minimum grade requirements for free dates and have not been commingled with other dates. Permission to use these exemptions shall be granted only upon the handler filing with the Committee its CDAC Form No. 10 wherein he describes how he plans to sell, and agrees to sell only specific dates and to report such sales.

(2) *Donations.* Except as provided in §§ 987.54 and 987.55, the Committee may permit any handler to dispose of restricted or other marketable dates by donation to needy persons, prisoners, or Indians on reservations, but such donations shall be under such safeguards as the Committee may require to assure consumption in these outlets.

(3) *Sales not exempt.* Except as provided in this section, no exemption shall be granted on sales by producers or handlers to truckers, dealers, retail stores, or other persons or firms engaged in buying dates for resale.

## DISPOSITION OF OTHER THAN FREE DATES

## § 987.155 Outlets for restricted and other marketable dates.

(a) *General.* Except as provided in § 987.156, no person shall ship out of the area of production any dates which are not free dates except that restricted and other marketable dates meeting the grade and size requirements for their outlet may be shipped into export, or to an exporting firm committed to export the dates, or to a person on the Committee's list of approved date product manufacturers who is acquiring such dates solely for use in an eligible product(s).

(b) *Export.* All countries other than Canada are approved as countries to which restricted and other marketable dates may be exported. However, no such dates shall be exported until they have been inspected and certified as meeting either the effective grade and size requirements for dates packed for handling (DAC's), or the applicable grade, size, or container requirements prescribed for export of specific categories of dates to specified countries, and until the shipping containers in each lot have been identified as prescribed in § 987.145 (a) and (b). Withholding credit for such exports shall be granted upon the Committee receiving notification thereof from the inspection service. Such credit shall be contingent upon the committee receiving in due course a copy of the on-board bill of lading or other documentary evidence satisfactory to the Committee. Furthermore, no dates shall be exported to Mexico until the handler obtains from the importer or trucker of each lot a certification to the Committee and the U.S. Department of Agriculture, on CDAC Form No. 11(a) which shall be submitted to the Committee, that such dates will not reenter the United States or be shipped to Canada. The form shall show the identity of the handler, the trucker, the importer, the destination of the dates, and the location of the border crossing station. One copy of the form shall be surrendered to the U.S. Customs Service at the border crossing station.

(c) *Products.* Restricted and other marketable dates which have been inspected and certified as meeting not less than the minimum requirements for restricted dates for products, may be used by a handler in such products as rings, chunks, pieces, butter, paste, camerated dates, table syrup, or other products which the Committee finds will be ap-

propriate and permit the consumption of dates in other than their whole or pitted form. In lieu of the handler using such dates in products, he may sell them for use by any person or firm on the Committee's list of approved date product manufacturers.

## § 987.156 Utility and cull dates.

(a) *Utility dates.* Utility dates may be disposed of without inspection in any crop year in which they are surplus pursuant to § 987.47. However, if use of such dates is authorized in products for human consumption or export, they shall be inspected and certified in accordance with § 987.56 prior to such usage as being of utility grade.

(b) *Cull dates.* All cull dates are surplus and shall be disposed of pursuant to § 987.47.

(c) *Deteriorated dates.* Any marketable dates which have deteriorated in quality so that they are either utility dates or cull dates may be disposed of only in the applicable outlets for such dates unless they are reconditioned to marketable quality and the lot, or a portion thereof, is recertified as marketable dates.

(d) *Unidentified dates.* If a handler loses the identity of any lot of dates previously inspected and certified as marketable dates, the certification as to such quality is void.

## § 987.157 Approved Date Product Manufacturers.

Any date handler or other person with facilities for converting dates into products may apply to the Committee, by filing CDAC Form No. 3, for listing as an approved date product manufacturer. The applicant shall indicate on such form the products he intends to make, the quantity of dates he may use, and the location of his facilities. In addition, as a condition of approval, the applicant shall agree on such form not to use any of the products dates for sale as whole or pitted dates, to file a report of the disposition of each lot on the Committee's Form No. 8, and to file an annual usage and inventory report on CDAC Form No. 4. The Committee shall approve or disapprove each such application on the basis of the information furnished or its own investigation, and may revoke any approval for cause. The name and address of all approved manufacturers shall be placed on a list and made available to interested persons.

## § 987.159 Substitution.

Any handler may, under the direction and supervision of the Committee or the inspection service, substitute for any quantity of restricted dates held by him a like quantity of dates of the same or more recent year's production which have been certified and identified as being of the same restricted outlet category.

## REPORTS AND RECORDS

## § 987.161 Handler carryover.

Each handler shall file with the Committee, as required in § 987.61, a report of his carryover on CDAC Form No. 5.

This report shall show, by variety, (a) the quantity of dates certified DAC and held within and outside the area, and (b) the quantity of dates held within the area certified for further processing, withheld to satisfy or defer a withholding obligation, graded but not certified, and as field-run dates, segregated as to outlet category.

**§ 987.162 Handler acquisition and disposition.**

Each handler shall file with the Committee by the 10th of each month, on CDAC Form No. 6, a report for the preceding month of his field-run acquisitions, his free date shipments, his purchases from other handlers of free, graded and field-run dates, and his dispositions in each outlet category.

**§ 987.164 Disposition of products dates or utility dates.**

Each handler shall file with the Committee a completed CDAC Form No. 8 showing the disposition of each lot of dates certified as products dates or utility dates. The report shall identify the lot, show the outlet, the number of containers, and the net weight of the dates. If such dates are sold to an approved date product manufacturer, a copy of the completed form shall be signed and dated by the manufacturer and returned to the Committee. If the lot was certified as products dates and exported to Mexico, the handler shall obtain a completed CDAC Form No. 11(a) from the buyer and submit this form, together with the completed CDAC Form No. 8, to the Committee.

**§ 987.165 Other reports.**

(a) *Exempt sales.* Each handler shall file with the Committee, a completed CDAC Form No. 2 showing the quantity and variety of dates sold under exemption during the crop year. The report shall be filed upon the completion of such sales or promptly after the end of the crop year.

(b) *Products.* Each approved date product manufacturer shall file with the Committee a completed CBAC Form No. 4 showing his beginning and ending inventories of dates for products, the quantity received during the crop year, the quantity used, the type and quantity of products manufactured, and his year-end inventory of products. This report shall be filed promptly after the end of each crop year.

**§ 987.168 Handler records.**

Each handler shall establish and maintain for not less than 2 years after the end of the crop year of record, the following records:

(a) For grower deliveries of dates, the name of each grower, the varieties delivered and the net weight of each variety;

(b) For shipments of dates, the variety, type of pack, net weight and destination or name and address of the person to whom each shipment was sent;

(c) If different from shipments, the variety, type of pack, net weight and purchaser of each quantity of dates sold; and

(d) Manifests, invoices, weight certificates, inventory tabulations, or any other documents necessary to prepare, file, or substantiate the reports required to be filed with the Committee.

**SUBPART—GRADE AND SIZE REGULATIONS**  
**§ 987.202 Other minimum standards.**

(a) *General.* In lieu of the minimum standards of quality prescribed in § 987.39, the minimum standards for all whole or pitted dates handled shall be the requirements of U.S. Grade C or, if for further processing, U.S. Grade C (dry) of the effective U.S. Standards for Grades of Dates (§§ 52.1001-52.1011 of this title), except that mashing and mechanical injury not affecting eating quality shall not be considered in determining the defect factor.

(b) *Free dates.* The minimum standards prescribed in paragraph (a) of this section shall be applicable to all varieties of whole or pitted dates handled to meet the trade demand of the United States and Canada unless and until superseded by any additional grade regulations prescribed in § 987.203(a).

(c) *Other marketable dates.* The minimum standards prescribed in paragraph (a) of this section shall be applicable to all dates withheld to meet a withholding obligation or for disposition as restricted or other marketable dates pursuant to § 987.55 as either EXPORT, EXPORT MEXICO, or PRODUCTS unless and until superseded by any additional grade regulations prescribed in § 987.203(b).

(d) *Field-run dates.* For the purpose of deferring or meeting any part or all of a withholding obligation pursuant to § 987.45(f), the field-run dates set aside shall consist of at least 70 percent, by weight, of sound dates but may contain 10 percent, by weight of cull dates of which not more than 5 percent may be hidden culls—i.e., dates with internal defects including souring, mold, fermentation, insect infestation, or foreign material. Whenever field-run dates of any variety are authorized for export to any country, each lot shall consist of at least 85 percent, by weight, of sound dates. "Sound dates" means individual dates which are at least U.S. Grade C in character and are free of the defects—other than those removable by washing—scored to determine the point requirement applicable to their intended destination.

**§ 987.203 Additional grade regulations.**

(a) *Free dates.* All varieties of whole and pitted dates, other than dates for further processing, handled to meet the trade demand of the United States and Canada shall meet the requirements of U.S. Grade B, except that up to 25 percent, by weight, of the dates may possess semidry or dry calyx ends but not more than 5 percent, by weight, of the dates may possess dry calyx ends. If the dates are for further processing, the requirements of U.S. Grade B (dry) shall apply.

(b) *Export dates.* Restricted and other marketable dates of all varieties for ex-

port pursuant to §§ 987.55 and 987.155 to countries other than Mexico and identified as EXPORT, shall meet the requirements of U.S. Grade C, and dates for further processing for export pursuant to § 987.403, shall except for defects removable by washing, meet the requirements of U.S. Grade C (dry): *Provided*, That Deglet Noor dates shall score not less than 31 points for character and 24 points for absence of defects but up to 40 percent, by weight, of the dates may be damaged by broken skin.

**§ 987.204 Size regulations.**

(a) *Free dates.* Whole dates of the Deglet Noor variety shall not be handled to meet the trade demand of the United States and Canada unless the individual dates in the samples from the lot weigh at least 6.5 grams but up to 10 percent, by weight, may weigh less than 6.5 grams. Pitted Deglet Noor dates shall not be handled to meet such trade demand unless the individual dates weigh at least 5.6 grams but up to 10 percent, by weight, may weigh less.

(b) *Uniformity of size.* The requirements of this section are in addition to, and do not supersede, the requirements as to uniformity of size of the grade standards prescribed by this part.

**SUBPART—MARKET DETERMINATIONS**

**§ 987.401 Major marketing promotion.**

A major marketing promotion program is one requiring the expenditure of more than \$500 of Committee funds.

**§ 987.402 Utility date outlets.**

(a) *Specified product outlets.* Utility dates of any variety inspected and certified in accordance with § 987.56 may be disposed of by handlers for use, or used by them, in the production of table syrup, rings, chunks, pieces, butter paste, or macerated dates.

(b) *Specified export outlets.* Utility dates of any variety inspected and certified in accordance with § 987.56 may be exported to Mexico.

**§ 987.403 Further processing exports.**

Restricted and other marketable dates certified as meeting the then current grade requirements in § 987.203(b) for dates for further processing, may be exported (a) to the following designated date producing and processing countries of North Africa: Morocco, Algeria, Tunisia, Libya, Egypt, and Sudan, and (b) to the following designated date processing and consuming countries north of the Mediterranean Sea: Spain, France, Belgium, West Germany, Italy, and Greece. Such additional date producing and processing and date processing and consuming countries may from time to time be similarly designated, after which such certified dates may be exported to such countries.

Dated: September 22, 1972.

CHARLES R. BRADER,  
Acting Deputy Director,  
Fruit and Vegetable Division.

[FR Doc.72-16464 Filed 9-26-72;8:52 am]



## [ 7 CFR Part 1049 ]

[Docket No. AO-319-A20]

**MILK IN INDIANA MARKETING AREA****Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order**

Notice is hereby given of a public hearing to be held at the Hilton Inn, Weir Cook Airport, Indianapolis, Ind., beginning at 9:30 a.m., local time, on October 11, 1972, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Indiana Marketing Area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY HOOSIER MILK MARKETING AGENCY, INC.

*Proposal No. 1.* In § 1049.14(b) (2) (i) and (ii), delete "35 percent" and substitute therefor "40 percent".

*Proposal No. 2.* In § 1049.71(h), delete "by a rate that is equal to 8 percent of the average basic formula price (computed to the nearest cent) for the preceding calendar year but that is not more than 30 cents;" and substitute therefor "by 20 cents;"

*Proposal No. 3.* Revise § 1049.88 to read as follows:

**§ 1049.88 Overdue accounts.**

Any unpaid obligation of a handler pursuant to § 1049.62, § 1049.82, § 1049.84 (a), § 1049.85 (a), or § 1049.86 shall be increased three-quarters of 1 percent on the first day following the date such obligation is due and on the first day of each succeeding month until such obligation is paid. Any remittance received by the market administrator shall be considered to have been received when postmarked.

PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE

*Proposal No. 4.* Revise the format of order provisions to provide for a more appropriate and simplified arrangement.

*Proposal No. 5.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, M. C. Jenkins,

5130 North Brouse Avenue, Post Office Box 55527, Indianapolis, IN 46205, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on September 21, 1972.

- JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[FR Doc.72-16415 Filed 9-26-72;8:48 am]

**Commodity Credit Corporation****[ 7 CFR Part 1421 ]****1972-CROP TUNG NUTS****Proposed Support Program**

Pursuant to sections 201 and 401 of the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 U.S.C. 1421 and 1466), the Secretary is preparing to determine and announce the support program for 1972-crop tung nuts.

Section 201 provides that the price of tung nuts shall be supported through loans, purchases, or other operations at a level not in excess of 90 percent nor less than 60 percent of the parity price therefor: *Provided*, That in any crop year in which the Secretary determines that the domestic production of tung oil will be less than the anticipated domestic demand for such oil, the price of tung nuts shall be supported at not less than 65 percent of the parity price therefor.

The program will include:

1. The level of support.
2. The method of support.
3. Conditions of eligibility.
4. Area and period of program.
5. Other program operating provisions.

Section 401 of the Act requires that, in determining the level of support in excess of the minimum level prescribed by law, consideration be given to the supply of the commodity in relation to the demand therefor, the price levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through a price-support operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand.

Consideration will be given to data, views, and recommendations pertaining to the proposed determinations covered by this notice which are submitted in writing to the Director, Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (8:15 a.m.-4:45 p.m.) (7 CFR 1.27(b)).

All submissions must, in order to be sure of consideration, be received by the Director not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 21, 1972.

GLENN A. WEIR,  
Acting Executive Vice President,  
Commodity Credit Corporation.

[FR Doc.72-16416 Filed 9-26-72;8:48 am]

**RURAL ELECTRIFICATION  
ADMINISTRATION****[ 7 CFR Part 1701 ]****RURAL ELECTRIFICATION PROGRAM****Merger and Consolidation of Electric Distribution Borrowers**

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue new REA Bulletin 115-2, Merger and Consolidation of Electric Distribution Borrowers, to set forth REA policy and recommendations with respect to the merger of its electric distribution borrowers. On issuance of the new bulletin, Appendix A to Part 1701 will be revised accordingly.

Persons interested in the provisions of Bulletin 115-2, may submit written data, views, or comments to the Director, Power Supply, Management and Engineering Standards Divisions, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than thirty (30) days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division, during regular business hours.

The text of the proposed REA Bulletin 115-2 is as follows:

**REA BULLETIN 115-2**

**SUBJECT:** Merger and Consolidation of Electric Distribution Borrowers.

**I. Purpose.** To establish the policy of the Rural Electrification Administration in connection with the merger<sup>1</sup> of two or more electric borrowers, to describe the assistance that may be available from REA, and to provide guidelines for an effective merger effort.

**II. Policy.** A. It is the policy of REA to recommend the merger of borrowers in those instances where such action will contribute to greater financial soundness and operating efficiency. However, it will be the responsibility of the respective boards of directors and managers involved to initiate and implement the consideration and evaluation of merger proposals.

B. A merger agreement must include a provision that the merger is subject to the

<sup>1</sup> The term "merger" and "consolidation" have different connotations and meanings. However, for the purpose of this bulletin, the term "merger" is used to apply to either a merger or a consolidation.

approval of the Administrator and to the approval of any supplemental lender, when applicable.

III. *Evaluation of a merger proposal.* It is recommended that the first step in evaluating a merger proposal should be for the board of directors of each entity involved to pass a resolution authorizing and directing a merger study. Such resolutions may request REA assistance. Upon receipt of certified copies of resolutions from each entity authorizing a merger study and requesting REA assistance, the REA area director will arrange to provide technical advice and assistance as required and to the extent resources are available. Leadership regarding the merger effort, however, should be supplied by the organizations considering merger.

IV. *Guidelines for an effective merger effort.* A. Successful merger efforts require substantial agreement among members, directors, and employees. In order to effect such agreement, the following steps are usually found to be desirable.

1. Affirmative resolution to study the merger by each board.
2. Appointment of a representative coordinating committee.
3. Selection by the coordinating committee of a chairman and appointments of persons responsible for review of the legal and engineering aspects; effect on employees, members, and the public; rates and regulations; operating policies and practices; power supply; capital structure and financial outlook; and others as may be determined.
4. Meetings of all directors to hear and respond to committee reports and to discuss advantages and disadvantages.
5. Dissemination of progress reports to employees, members, and the public.
6. Further gathering of information by the coordinating committee as may be requested by the boards.
7. Preparation of merger agreement.
8. Action by boards of directors.
9. Action by members.
10. Approval by REA and by the supplemental lender, if applicable.
11. Approval by any regulatory body having jurisdiction.
12. Appointment of manager to implement and complete merger.
13. Periodic review and evaluation of progress to complete merger, in accordance with the merger agreement, by the board of directors.

B. No two mergers will necessarily proceed in the same manner in all instances, and adjustments to the suggested procedures may be necessary, depending on the circumstances and needs. The most important consideration in bringing about a successful merger is the maintenance of a high level of understanding and acceptance by the people who may be affected by the action.

Dated: September 21, 1972.

JAMES N. MYERS,  
Acting Administrator.

[FR Doc.72-16469 Filed 9-26-72;8:52 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

121 CFR Part 191

GRATED CHEESES

Microcrystalline Cellulose as Optional  
Anticaking Agent

Notice is given that a petition has been filed by the National Cheese Institute,

Inc., 110 North Franklin Street, Chicago, IL 60606, proposing that the definition and standard of identity for grated cheese (21 CFR 19.791) be amended to permit the use of microcrystalline cellulose as an optional anticaking agent in grated cheeses.

The standard of identity for grated cheese presently provides for the use of silicon dioxide, calcium silicate, and sodium silicoaluminate as anticaking agents in grated cheeses. The total amount that can be used, singly or in combination, cannot exceed 2 percent of the weight of the finished food. The name of the anticaking agent, if used, must appear on the label.

The petition does not propose to change the total amount of anticaking agents that can be used. It only proposes to add to the present list of anticaking agents, the organic substance microcrystalline cellulose.

Grounds set forth in the petition in support of the proposal are that: (1) Natural cheese, unless very low in moisture, tends to cake or lump after grating or grinding. This tendency detracts from the desirable "shakable" characteristics of the finished product, (2) experiments with microcrystalline cellulose as an anticaking agent in grated cheese have been conducted. The effectiveness of the experimental agent was compared with the presently permitted anticaking agents at the same use level, for the same storage times and under identical storage conditions. The reports state that the proposed agent successfully prevented caking, and the grated cheese after storage, was readily dispersed from the container.

Accordingly, it is proposed that § 19.791 be amended by revising paragraph (b) (2), as follows:

§ 19.791 Grated cheeses; identity; label statement of optional ingredients.

\* \* \*

(b) \* \* \*

(2) An anticaking agent consisting of silicon dioxide (complying with the provisions of § 121.1058 of this chapter), calcium silicate (complying with the provisions of § 121.1135 of this chapter), sodium silicoaluminate, microcrystalline cellulose, or any combination of two or more of these in an amount not to exceed 2 percent by weight of the finished food.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of FEDERAL REGISTER publication. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments

may be seen in the above office during working hours, Monday through Friday.

Dated: September 14, 1972.

VIRGIL O. WODICKA,  
Director, Bureau of Foods.

[FR Doc.72-16388 Filed 9-26-72;8:45 am]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 72-RM-12]

FEDERAL AIRWAY SEGMENT

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign a segment of VOR Federal airway No. 21 between Helena, Mont., and Great Falls, Mont.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, Post Office Box 7213, Denver, CO 80207. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

V-21 airway segment between Helena, Mont., and Great Falls, Mont., is presently aligned from Helena via the Helena 352° true radial and the Great Falls 222° true radial to Great Falls. The FAA proposes to realign this segment from Helena direct to Great Falls.

This action, while requiring a slightly higher minimum en route altitude, will provide a shorter route between Helena and Great Falls and also provide a route to bypass an area of turbulence that often exists in the vicinity of Wolf Creek, Mont. (Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(e), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on September 20, 1972.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[FR Doc.72-16383 Filed 9-26-72;8:45 am]

## [ 14 CFR Part 71 ]

[Airspace Docket No. 72-WE-37]

## TRANSITION AREA

## Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Yuma, Ariz., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 15 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

An instrument landing system (ILS) is proposed for commissioning in December 1972. A new holding pattern has been established east of Yuma VORTAC on the 089° T (075° M) radial and the arc transition for the VOR Runway 17 approach procedure to the east will be reduced from 9 to 7 NM. The new ILS holding and VOR procedures will preclude infringement upon R-2307. An additional 700-foot transition area will be required to provide controlled airspace protection for aircraft executing the procedures while operating between 1,000 and 1,500 feet above the surface.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (37 F.R. 2143), the description of the Yuma, Ariz., transition area is amended in part as follows:

Delete all before, "That airspace extending upward from 1,200 feet \* \* \*" and substitute therefor, "That airspace extending upward from 700 feet above the surface, within an 11-mile radius of Yuma MCAS/Yuma International Airport (latitude 32°39'10" N., longitude 114°36'20" W.), within 2 miles each side of the Yuma VORTAC 181° radial, extending from the 11-mile-radius area to 21 miles south of the VORTAC, that airspace within a 13-mile radius of the

Yuma VORTAC extending from the 11-mile-radius area bounded on the west by a line 4 miles west of and parallel to the Yuma VORTAC 351° radial and on the east by longitude 114°30'00" W. and within 5 miles north and 7 miles south of the Yuma VORTAC 089° radial, extending from the VORTAC to 20.5 miles east of the VORTAC \* \* \*"

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on September 19, 1972.

ROBERT O. BLANCHARD,  
*Acting Director, Western Region.*

[FR Doc.72-16529 Filed 9-26-72;8:53 am]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 73 ]

[Docket No. 19571]

## STEREOPHONIC FM BROADCASTING

### Transmission of Pilot Subcarrier; Restriction; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 73 of the Commission's rules and regulations to restrict transmission of the stereophonic pilot subcarrier by FM stations during periods of monophonic program transmission.

1. The notice of proposed rule making in the above-entitled proceeding was adopted on August 9, 1972, and published in the FEDERAL REGISTER on August 19, 1972, 37 F.R. 16812. The dates for filing comments and reply comments are September 22, 1972, and October 2, 1972, respectively.

2. On September 15, 1972, a request for an extension of time for the filing of comments to and including October 13, 1972, was filed by the law firm of Cohn and Marks (Counsel) which represents a number of FM stereo stations. Counsel states that the notice of proposed rulemaking in this proceeding raises numerous questions and therefore a further period of time is required so that the Commission will have the full benefit of the views of the operating stations.

3. We are of the view that the requested time is warranted and would serve the public interest. *Accordingly, it is ordered*, That the time for filing comments and reply comments in the above docket is extended to and including October 13, 1972, and October 24, 1972, respectively.

4. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as

amended, and § 0.281(d) (8) of the Commission's rules and regulations.

Adopted: September 19, 1972.

Released: September 20, 1972.

[SEAL] WALLACE E. JOHNSON,  
*Chief, Broadcast Bureau.*

[FR Doc.72-16439 Filed 9-26-72;8:50 am]

## FEDERAL MARITIME COMMISSION

[ 46 CFR Part 547 ]

[Docket No. 72-54]

### NATIONAL ENVIRONMENTAL POLICY ACT

#### Establishment of Implementation Procedures

The Commission hereby proposed to establish a procedure by which it will exercise its responsibilities under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq. (1970)), by adding a new Part 547 to Title 46 CFR, reading as follows:

#### § 547.1 Authority.

(a) The National Environmental Policy Act of 1969, implemented by Executive Order 11514 and the Council on Environmental Quality's Guidelines (36 F.R. 7724, Apr. 23, 1971), requires all Federal agencies to include a detailed environmental impact statement in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment.

(b) It is in compliance with the above-cited authority and in recognition of the need to fully assess and consider the environmental impacts of recommendations or reports on proposals for legislation and other major Federal actions that the Federal Maritime Commission adopts the regulations and procedures contained in this part.

#### § 547.2 Definitions.

For the purposes of this part the following definitions are applicable:

(a) Major Federal action—The Commission interprets major Federal action as meaning any activity the Commission undertakes with potential significant effect on the environment. In determining which of its actions are major Federal actions, as used herein, the Commission will not look towards the size or importance of the action itself but rather whether the action will have potential significant effect on the environment. If the action has such effect, impact statements will be prepared.

(b) NEPA—The National Environmental Policy Act of 1969 (42 U.S.C. 4330).

(c) CEQ Guidelines—Guidelines published by the Council on Environmental Quality to assist agencies of the Federal Government in implementing NEPA (36 F.R. 7724, Apr. 23, 1971).



(d) **Proposed activity**—This term, as used herein, refers to all contested or uncontested activities directly or indirectly undertaken by the Commission. This will include activities initiated by the Commission or by other parties.

(e) **Environmental assessment**—A formal evaluation process conducted by the Managing Director or his designee to determine if a proposed activity is a major Federal action with potential significant effect on the quality of the human environment, adverse, or beneficial, thereby requiring preparation of impact statements.

(f) **Decisionmaking process**—As used herein this term refers to every distinctive and comprehensive stage in the Commission decisionmaking process concerning a particular proposed activity where an overall balancing of environmental and nonenvironmental factors is appropriate and where alterations might be made in the particular proposed activity involved to minimize environmental costs.

#### § 547.3 Declaration of policy.

(a) No Commission activity which constitutes a major Federal action significantly affecting the environment, adversely or beneficially, shall be promulgated unless an environmental impact statement has been prepared and made available for consideration at all levels of the decisionmaking process.

(b) No Commission recommendations on legislation or Commission reports on a legislative proposal in an area in which the Commission has statutory responsibility concerning matters which significantly affect the environment will be submitted to Congress without an accompanying environmental impact statement.

(c) Nothing in this part shall be construed as applying the requirements of section 102(2)(c) of NEPA to:

- (1) Administrative procurements (general supplies);
- (2) Contracts for personal services; and
- (3) Normal personnel action.

#### § 547.4 Implementing procedures.

(a) **Rules and guides.** (1) The managing director shall establish procedures for bureaus and offices of the Commission to assure that every recommendation or report on proposals for legislation and other major Federal actions, as defined in § 547.2(a), the Commission undertakes is subject to an environmental assessment, as defined in § 547.2(e).

(2) This environmental assessment shall be conducted by the managing director or his designee. It should commence at the earliest possible time after initiation of the proposed activity. Recommendations to the Commission by the initiating office or bureau designated by the managing director on action to be taken on the proposed activity shall include this environmental assessment.

(3) The Commission shall make the final determination whether the proposed Commission activity may be a major Federal action with potential sig-

nificant effect on the quality of human environment.

(4) As soon as is practicable after a determination by the Commission that a proposed activity has no potential significant effects on the quality of the human environment, adverse or beneficial, the managing director or his designee will prepare and publish a negative declaration.

(i) The negative declaration will describe the proposed activity and briefly state the reasons for concluding there will be no significant environmental impact.

(ii) The negative declaration will be made available to all interested parties by publication in the *Federal Register*. Thirty (30) days will be allowed for comment.

(iii) As soon as is practicable after receipt of the comments mentioned in subdivision (ii) of this subparagraph, the Commission will have published in the *Federal Register* a final environmental order stating the Commission's final conclusion as to whether the particular proposed activity involved has potential significant impact on the environment.

(5) Upon the determination by the Commission that an activity may have a potential significant effect on the quality of human environment, adverse or beneficial, the managing director or his designee will prepare as soon as practicable thereafter, a draft environmental impact statement which shall become part of the public record as provided hereinafter.

#### § 547.5 Preparation and circulation of draft environmental impact statements and comments thereto.

(a) The draft environmental impact statement will contain and develop the following factors:

- (1) A description of the proposed activity involved.
- (2) The environmental impact of the proposed activity.
- (3) Adverse environmental impacts which cannot be avoided should the proposed activity be implemented.
- (4) Alternatives to the proposed activity.
- (5) Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.
- (6) Irreversible, irretrievable commitments of resources which would be involved in the proposed activity should it be implemented.

(b) As soon as practicable after preparation of the draft environmental impact statement, the managing director or his designee shall:

- (1) Forward ten (10) copies of the draft statement to CEQ.
- (2) Forward copies of the draft statement to Federal, State, and local agencies having special jurisdiction by law or expertise or authorized to develop and enforce standards relevant to the environmental issues involved in the proposed activity.

(3) Make the draft statement available to the public by publication in the *Federal Register* concurrent with the publication of the proposed activity.

(c) Interested parties submitting comments on the draft statement to the Commission should include an explanation of their environmental position, specifying their differences with the draft statement and a discussion of that position in the context of the environmental factors mentioned in paragraphs (a) (1)–(6) of this section. Commentors are also requested to specify those parts of the Commission's enabling acts upon which a Commission decision considering environmental factors can be based. Thirty (30) days will be allowed for comment. An original and fifteen (15) copies will be submitted to the Commission, as well as ten (10) copies to CEQ.

(d) The draft statement and comments thereon will be available to the public in the Secretary's office of the Federal Maritime Commission, 1405 I Street NW., Washington, DC 20573.

#### § 547.6 Preparation and circulation of final environmental impact statements and comments thereto.

(a) The managing director or his designee will prepare a final environmental impact statement after receipt of all comments submitted consistent with § 547.5(c).

(1) The final impact statement will contain and develop the factors mentioned in § 547.5(a) (1)–(6) and will consider objections and problems raised in comments to the draft statement.

(2) On the basis of the foregoing analysis and evaluation, the managing director or his designee will include in the final statement a recommendation that whether, after weighing environmental, technical, and economic benefits against environmental costs and considering available alternatives for reducing or avoiding adverse environmental effects, the action called for is warranted or whether one or more alternatives should be considered. In addition, the managing director or his designee shall insure that the Commission staff prepares an independent cost-benefit analysis and evaluation of the factors heretofore mentioned to be included in the final statement.

(b) Circulation and publication of the final statement will be as described in § 547.5(b). The statement will be embodied in the Commission's final disposition of the proposed activity.

#### § 547.7 Use of impact statements in the decisionmaking process.

(a) The draft impact statement, together with comments thereon, will be available at every stage of the Commission's decisionmaking process, as defined in § 547.2, concerning the particular proposed activity involved.

(b) To the maximum extent practicable, no final administrative action will be taken sooner than ninety (90) days after the draft statement has been circulated for comment, furnished to CEQ and made available to the public pursuant to this part. No final administrative

action will be taken sooner than thirty (30) days after the final environmental impact statement has been made available to CEQ and made available to the public pursuant to these procedures. The thirty (30) day period and ninety (90) day period may run concurrently to the extent they overlap.

(c) Certain emergency situations or the public interest may warrant the Commission's acting expeditiously on certain activities. When the Commission determines such a situation exists, it will, pursuant to 10(d) of the CEQ Guidelines, consult CEQ regarding alternative arrangements.

**§ 547.8 The use of environmental statements in connection with legislative proposals and reports.**

(a) The General Counsel shall establish procedures to assure that legislative proposals and legislative reports on matters for which the Commission has statutory responsibility are subjected to an environmental assessment, as defined in § 547.2(e), to assess the need for statements on the impact on the environment and that, where a need is found, a statement is developed.

(b) When the Commission makes a recommendation or favorable report relating to legislation which requires the preparation of impact statements, the procedures outlined in §§ 547.5 and 547.6 will apply.

(1) The Managing Director or his designee will prepare and circulate the draft environmental impact statement as described in § 547.5(b) and in addition the draft statement and the required comments shall accompany

legislative proposals and reports when these are sent to the Office of Management and Budget (OMB) for clearance. The draft impact statement, along with comments thereto, will also be forwarded along with the proposal or recommendation for legislation to the Congress.

(2) The Managing Director or his designee will then prepare and circulate the final impact statement as described in § 547.6(b), and in addition the final statement shall be forwarded to the Office of Management and Budget and the Congress.

(c) In cases where the scheduling of congressional hearings on recommendations or reports on proposals for legislation which the Commission has forwarded to the Congress does not allow adequate time for the completion of the final impact statement, a draft impact statement may be furnished to the Congress pending transmittal of the comments received and the final impact statement.

**§ 547.9 Procedures for hearings on proposed activities requiring impact statements.**

(a) Where a hearing is to be held on a proposed activity which requires an impact statement, the Commission will follow the procedures detailed in § 547.5 in the preparation and circulation of the draft impact statement: *Provided, however,* That the Commission will make the draft impact statement available to the public and other commenting parties at least fifteen (15) days prior to the time of the hearings. Comments on the draft impact statement should include an explanation of the parties' environmental

position, specifying those matters on which they wish to be heard, including a discussion of that position in the context of the environmental factors mentioned in § 547.5(a)(1-6). The draft statement, together with the comments thereon, will be submitted as evidence at the hearing in accordance with 46 CFR Part 502, Rules of Practice and Procedure. Interested parties wishing to appear at the hearing will so request in accordance with 46 CFR Part 502, Rules of Practice and Procedure.

(b) The transcript of the hearing, together with the draft statement and comments thereto, will be used in the preparation of the final impact statement. The final impact statement will then be prepared and circulated by the Administrative Law Judge assigned to the proceeding in accordance with § 547.6. The final impact statement will then be considered in all ensuing decisionmaking processes concerning the particular proposed activity.

Interested persons may participate in this rule making proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 16, 1972, an original and fifteen (15) copies of their views or arguments pertaining to the proposed rules. All suggestions for changes in text should be accompanied by drafts of the language thought necessary to accomplish the desired change.

By the Commission.

[SEAL]

FRANCIS C. HURNEX,  
Secretary.

[FR Doc.72-16455 Filed 9-26-72;8:51 am]

# Notices

## DEPARTMENT OF THE INTERIOR

Office of the Secretary

[FES 72-32]

### PROPOSED CHATTAHOOCHEE PALISADES STATE PARK PROJECT

#### Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for the proposed Chattahoochee Palisades State Park project.

The environmental statement considers the environmental impact of the acquisition of 377 acres of land along the Chattahoochee River in metropolitan Atlanta, Ga., for public outdoor recreation purposes by the Georgia Department of Natural Resources.

Copies are available for inspection at the following locations:

Division of Information, Bureau of Outdoor Recreation, Room 4022, Department of the Interior, Washington, D.C. 20240. Telephone: (202) 343-5726.

Georgia Clearinghouse, Bureau of State Planning and Community Affairs, Room 611, 270 Washington Street SW., Atlanta, GA 30303.

Metropolitan Clearinghouse, Atlanta Regional Metropolitan Planning Commission, 900 Glenn Building, Atlanta, Ga. 30303.

Office of the Regional Director, Bureau of Outdoor Recreation, Southeast Regional Office, 810 New Walton Building, Atlanta, Ga. 30303.

A limited number of single copies are available and may be obtained by writing the Regional Director, Bureau of Outdoor Recreation, Southeast Region. In addition, copies are available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated: September 19, 1972.

WILLIAM W. LYONS,  
Deputy Assistant Secretary  
of the Interior.

[FR Doc.72-16429 Filed 9-26-72;8:49 am]

JOHN F. ENGLISH

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.

- (3) No change.
- (4) No change.

This statement is made as of August 24, 1972.

Dated: August 24, 1972.

JOHN F. ENGLISH.

[FR Doc.72-16430 Filed 9-26-72;8:49 am]

ROBERT V. HUGO

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of September 11, 1972.

Dated: September 11, 1972.

ROBERT V. HUGO.

[FR Doc.72-16431 Filed 9-26-72;8:49 am]

MODESTO IRIARTE, JR.

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of August 28, 1972.

Dated: August 28, 1972.

MODESTO IRIARTE, Jr.

[FR Doc.72-16432 Filed 9-26-72;8:49 am]

JOHN H. KLINE

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of August 25, 1972.

Dated: August 25, 1972.

JOHN H. KLINE.

[FR Doc.72-16433 Filed 9-26-72;8:49 am]

JAMES W. McWHINNEY

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of August 15, 1972.

Dated: August 25, 1972.

JAMES W. McWHINNEY.

[FR Doc.72-16434 Filed 9-26-72;8:49 am]

CLIFTON F. ROGERS

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) None. Change in title from senior vice president to president of Upper Peninsula Power Co., Houghton, Mich., effective July 8, 1972.

- (2) None.
- (3) None.
- (4) None.

This statement is made as of August 23, 1972.

Dated: August 23, 1972.

CLIFTON F. ROGERS.

[FR Doc.72-16435 Filed 9-26-72;8:49 am]

STANLEY M. SWANSON

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and

Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of August 25, 1972.

Dated: August 25, 1972.

STANLEY M. SWANSON.

[FR Doc.72-16436 Filed 9-26-72;8:49 am]

## DEPARTMENT OF THE TREASURY

Office of the Secretary

### COLOR TELEVISION PICTURE TUBES FROM JAPAN

#### Determination of Sales at Less Than Fair Value

SEPTEMBER 25, 1972.

Information was received on August 9, 1971, that color television picture tubes from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of June 29, 1972.

I hereby determine that for the reasons stated below, color television picture tubes from Japan are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

*Statement of reasons on which this determination is based.* The information before the Bureau indicates that the basis of comparison for fair value purposes is between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price was calculated by deducting from the f.o.b. price for exportation to the United States, the included inland freight and shipping charges.

The adjusted home market price was based on the weighted-average delivered price, with a deduction for inland freight. Adjustments to this price were made for differences in warranty costs, credit costs, cost of production, packing costs, and royalties.

Using the above criteria, purchase price was found to be lower than the adjusted home market price of such or similar merchandise.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,  
Assistant Secretary of the Treasury.

[FR Doc.72-16565 Filed 9-26-72;8:51 am]

## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

[Notice 66]

#### WHEAT GROWN IN MONTANA

#### Extension of the Closing Date for Filing of Applications for the 1973 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for wheat crop insurance for the 1973 crop year in all counties in Montana where such insurance is otherwise authorized to be offered is hereby extended until the close of business on October 13, 1972. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

[SEAL] D. W. McELWRATH,  
Acting Manager, Federal Crop  
Insurance Corporation.

[FR Doc.72-16418 Filed 9-26-72;8:48 am]

### Rural Electrification Administration EAST KENTUCKY RURAL ELECTRIC COOPERATIVE CORPORATION

#### Notice of Availability of Final Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a final environmental statement in accordance with section 102(2) (C) of the National Environmental Policy Act of 1969, in connection with \$37,500,000 of loans approved to 16 of the East Kentucky Rural Electric Cooperative Corporation's member distribution cooperatives. The loans are for the partial financing of a 300 MW steam generating plant at Maysville, Ky., and approximately 110 miles of 138 kv. transmission line.

Additional information may be secured on request, submitted to Mr. James N. Myers, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The final environmental statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4322, or at the borrower address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 22d day of September 1972.

JAMES N. MYERS,  
Administrator,  
Rural Electrification Administration.  
[FR Doc.72-16468 Filed 9-26-72;8:53 am]

## DEPARTMENT OF COMMERCE

Office of Import Programs

### TEXAS A. & M. UNIVERSITY ET AL.

#### Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles; Correction

In the notice of consolidated decision on applications for duty-free entry of scientific articles appearing at page 18574 in the FEDERAL REGISTER of Wednesday, September 13, 1972, the following docket should be deleted:

Docket No. 72-00463-99-43595, Applicant: University of Connecticut, U-37, Storrs, Conn. 06268. Article: Micro-manometer. Date of denial without prejudice to resubmission: May 11, 1972.

SETH M. BODNER,  
Director, Office of Import Programs.

[FR Doc.72-16395 Filed 9-26-72;8:46 am]

### UNIVERSITY OF VIRGINIA

#### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Important Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00607-98-54900. Applicant: University of Virginia, Department of Physics, McCormick Road, Charlottesville, Va. 22901. Article: Proustite and pyragyrite crystals. Manufacturer: Royal Radar Establishment, United Kingdom. Intended use of article: The article will be used for a series of optical measurements to study the basic physics of this material. These measurements constitute a major part of the research problem of a graduate student who will submit the result of this research in his dissertation in fulfilling the requirements for a Ph. D. degree.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended

to be used, is being manufactured in the United States. Reasons: The rigid specifications of the crystals comprising the foreign article are pertinent to the applicant's intended purposes. The Department of Commerce knows of no domestic manufacturer of such crystals.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,  
Director, Office of Import Programs.

[FR Doc.72-16396 Filed 9-26-72;8:46 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[Docket No. FDC-D-438; NADA No. 3-161V;  
NADA No. 3-162V]

#### HAVER-LOCKHART LABORATORIES

#### Certain Phenothiazine - Containing Products; Notice of Opportunity for Hearing

In an announcement in the FEDERAL REGISTER of December 9, 1970 (35 F.R. 18688, DESI 2302V), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on Phenothiazine Suspension (Red), NADA (new animal drug application) No. 3-162V; marketed by Haver-Lockhart Laboratories, Box 390, Shawnee Mission, Kans. 66201. The announcement invited the holder of said new animal drug application for which labeling is not adequate in that it differs from the labeling as presented in said announcement to submit revised labeling or adequate documentation in support of the labeling used.

Haver-Lockhart Laboratories responded to the announcement by submitting revised labeling. However, after a thorough review of the revised labeling, the Administration concluded that said labeling is inadequate.

Efficacy data covering the below-listed product has also been reviewed by the Administration. This product is similar in composition to the previously cited product, but efficacy data were not furnished to be reviewed by the Academy as requested in the notice regarding drug effectiveness which was published in the FEDERAL REGISTER of July 9, 1966 (31 F.R. 9426), and, therefore, was not evaluated by the Academy. The above-mentioned findings of the Administration regarding drug effectiveness and labeling apply equally to NADA No. 3-161V Phenothiazine Tablets; marketed by Haver-Lockhart Laboratories.

Therefore, notice is given to Haver-Lockhart Laboratories, and to any in-

terested person who may be adversely affected that the Commissioner proposes to issue an order under the provisions of section 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b) withdrawing approval of NADA No. 3-162V and NADA No. 3-161V, including all amendments and supplements thereto.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner hereby gives the applicant and any interested person who would be adversely affected by an order withdrawing such approval an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of NADA No. 3-161V and 3-162V should not be withdrawn. Promulgation of the order will cause any drug similar in composition to the above-cited drug products and recommended for similar conditions of use to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to appropriate regulatory action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing. If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner, without further notice, will enter a final order withdrawing approval of the new animal drug applications.

Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The Hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug applications should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to the grounds for this notice. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that there is a genuine and substantial issue of fact requiring a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal

of approval of the applications, the Commissioner will enter an order stating his findings and conclusions on such data. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

Responses to this notice will be available for public inspection in the office of the hearing clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: September 20, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.72-16369 Filed 9-26-72;8:46 am]

## National Institutes of Health NATIONAL HEART AND LUNG INSTITUTE

### Notice of Meeting

Pursuant to Executive Order 11671 notice is hereby given of the following meeting and the executive secretary from whom a summary of the meeting may be obtained.

#### Committee, Date, Time, and Location of Meeting

Therapeutic Evaluations Committee, September 28 and 29, 1972, 9 a.m.-5 p.m., NIH Building 31, Conference Room 6, Westwood Building Conference Room D.  
Dr. Eleanor M. K. Darby, Room 632A, NIH Westwood Building, Bethesda, Md.

This meeting shall be closed to the public in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination, in order to review, discuss, and evaluate and/or rank grant applications.

JOHN F. SHERMAN,  
Deputy Director,  
National Institutes of Health.

SEPTEMBER, 18, 1972.

[FR Doc.72-16405 Filed 9-26-72;8:47 am]

## Office of the Secretary HEAD START NATIONAL ADVISORY COMMITTEE

### Notice of By Laws Committee Meeting

The initial meeting of the By Laws Committee of the Head Start National Advisory Committee will be held on Monday, October 2, 1972. The meeting will be held at the Holiday Inn, 8777 Georgia Avenue, Silver Spring, Md., from 9 a.m., until 4:30 p.m., and is open to the public. The purpose of the By Laws Committee is to develop and amend as necessary, procedures by which the Head Start National Advisory Committee and

its subcommittees will operate. The purpose of this meeting is to develop HSNAC By Laws.

Dated: September 20, 1972.

CLEMENTINE B. BROWN,  
*Acting Executive Secretary.*

[FR Doc.72-16403 Filed 9-26-72;8:47 am]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-293]

### BOSTON EDISON CO.

#### Notice of Appointment of Alternate Appeal Board Chairman

In the matter of Boston Edison Co. (Pilgrim Nuclear Power Station), Docket No. 50-293.

The Commission has delegated its authority and review function in this proceeding to the Atomic Safety and Licensing Appeal Board, consisting of the then Chairman and the present Vice-Chairman of the Appeal Board (Algie A. Wells, esq., and Dr. John H. Buck) and a third member (Dr. Lawrence R. Quarles) designated by the Commission.

In accordance with § 2.787(a) of the rules of practice, 10 CFR Part 2, the Commission has designated William C. Parler, esq., as Chairman of the Appeal Board for this proceeding, vice Algie A. Wells, who retired from his position as Appeal Board Chairman.

It is so ordered.

Dated: September 21, 1972.

By the Commission.

PAUL C. BENDER,  
*Secretary of the Commission.*

[FR Doc.72-16423 Filed 9-26-72;8:48 am]

[Docket No. 50-395]

### SOUTH CAROLINA ELECTRIC & GAS CO.

#### Notice of Hearing on Application for Construction Permit

In the matter of the South Carolina Electric & Gas Co. (Virgil C. Summer Nuclear Station).

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "rules of practice," notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the South Carolina Electric & Gas Co. (the Applicant), for a construction permit for a pressurized water nuclear reactor designated as the Virgil C. Summer Nuclear Station (the Facility), which is designed for initial operation at approximately 2,775 thermal megawatts for reactor with a net electrical output of approximately 900 megawatts. The proposed Facility is to be

located on the Applicant's site about 26 miles north of Columbia, in western Fairfield County, S.C. The hearing will be scheduled to begin in the vicinity of the site of the proposed Facility.

The Board will be designated by the Atomic Energy Commission (Commission). Notice as to its membership will be published in the FEDERAL REGISTER.

Upon receipt of a report by the Advisory Committee on Reactor safeguards and upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review, the Director of Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of a construction permit to the Applicant:

Issues Pursuant to the Atomic Energy Act of 1954, as Amended. 1. Whether in accordance with the provisions of 10 CFR § 50.35(a):

(a) The Applicant has described the proposed design of the Facility including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the Applicant and the Applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed Facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed Facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the Applicant is technically qualified to design and construct the proposed Facility;

3. Whether the Applicant is financially qualified to design and construct the proposed Facility; and

4. Whether the issuance of a permit for construction of the Facility will be inimical to the common defense and security or to the health and safety of the public.

Issue Pursuant to National Environmental Policy Act of 1969 (NEPA). 5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permit should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by

10 CFR § 2.4(n), the Board will determine: (1) Without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation on Items 1-4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permit proposed by the Director of Regulation; and (2) determine whether the review conducted by the Commission pursuant to NEPA has been adequate. In the event that this proceeding is not contested the Board will convene a prehearing conference of the parties within sixty (60) days after this notice of hearing or such other time as may be appropriate, at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1-5 above as a basis for determining whether the construction permit should be issued to the Applicant.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR § 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference and within sixty (60) days after discovery has been completed, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR § 2.752.

Notices of the dates and places of the special prehearing conference, the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102 (2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permit should be issued, denied, or appropriately conditioned to protect environmental values.

For further details, see the application for a construction permit dated June



30, 1971, and amendments thereto, and the applicant's environmental report dated June 30, 1971, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, between the hours of 8:30 a.m., and 5 p.m., on weekdays. Copies of those documents will also be made available at the Fairfield County Library, Vanderhorst Street, Winnsboro, SC 29180, for inspection by members of the public between the hours of 9 a.m., and 6 p.m., Monday through Friday and 9 a.m., and 1 p.m., on Saturday. As they become available, a copy of the report of the Advisory Committee on Reactor Safeguards (ACRS), the safety evaluation by the Commission's Directorate of Licensing, the Commission's draft and final detailed statements on environmental considerations, the proposed construction permit, other relevant documents, and the transcripts of the pre-hearing conferences and of the hearing will also be available at the above locations. Copies of the proposed construction permit, the ACRS report, the Directorate of Licensing's safety evaluation and the Commission's draft and final detailed statements on environmental considerations may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who does not wish to, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance but who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR § 2.714.

A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the follow-

ing factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A petition for leave to intervene must be filed with the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or the Commission's Public Document Room, 1717 H Street NW., Washington, DC, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR § 2.714(a).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

An answer to this notice, pursuant to the provisions of 10 CFR § 2.705, must be filed by the applicant not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, DC 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Pending further order of the Board, parties are required to file pursuant to the provisions of 10 CFR § 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

With respect to this proceeding, the Commission will delegate to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission will establish the Appeal Board pursuant to 10 CFR § 2.785 and will make the delegation pursuant to subparagraph (a) (1) of that section. The Appeal Board

will be composed of a Chairman, and two other members to be designated by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER.

Dated at Germantown, Md., this 21st day of September 1972.

UNITED STATES ATOMIC  
ENERGY COMMISSION,  
PAUL C. BENDER,  
Secretary of the Commission.

[FR Doc.72-16400 Filed 9-26-72;8:46 am]

[Dockets Nos. 50-330 and 50-331]

## TENNESSEE VALLEY AUTHORITY

### Notice of Hearing on Application for Construction Permits

In the matter of The Tennessee Valley Authority (Watts Bar Nuclear Plant Units 1 and 2).

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "rules of practice," notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board) to consider the application filed under the Act by the Tennessee Valley Authority (the applicant), for construction permits for two pressurized water nuclear reactors designated as the Watts Bar Nuclear Plant Units 1 and 2 (the facilities), each of which is designed for initial operation at approximately 3411 thermal megawatts with a net electrical output of approximately 1169 megawatts. The proposed facilities are to be located on the applicant's Watts Bar site on the west bank of the Tennessee River, approximately 50 miles northeast of Chattanooga, in Rhea County, Tenn. The hearing will be scheduled to begin in the vicinity of the site of the proposed facilities.

The Board will be designated by the Atomic Energy Commission (Commission). Notice as to its membership will be published in the FEDERAL REGISTER.

Upon receipt of a report by the Advisory Committee on Reactor Safeguards and upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review, the Director of Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicant:

Issues pursuant to the Atomic Energy Act of 1954, as amended.

1. Whether in accordance with the provisions of 10 CFR § 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;



(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

Issue pursuant to National Environmental Policy Act of 1969 (NEPA).

5. Whether, in accordance with the applicable requirements of Appendix D of 10 CFR Part 50, considering that the applicant is an agency of the Federal Government and the "lead agency" for these facilities under the guidelines of the Council on Environmental Quality, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding as defined by 10 CFR § 2.4(n), the Board will determine (1) without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation on Items 1-4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Regulation; and (2) determine whether the review conducted by the applicant pursuant to NEPA has been adequate. In the event that this proceeding is not contested, the Board will convene a prehearing conference of the parties within sixty (60) days after this notice of hearing or such time as may be appropriate, at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing. Notice of the prehearing conference and the hearing will be published in the *FEDERAL REGISTER*.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1-5 above as a basis for determining whether the construction permits should be issued to the applicant.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days from the date of publication of this notice in the *FEDERAL REGISTER*, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR § 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference and within sixty (60) days after discovery has been completed, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR § 2.752.

Notices of the dates and places of the special prehearing conference, the prehearing conference and the hearing will be published in the *FEDERAL REGISTER*.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102(2) (C) and (D) of NEPA and the applicable provisions of Appendix D of 10 CFR Part 50, considering that the applicant is an agency of the Federal Government and the "lead agency" for these facilities under the guidelines of the Council on Environmental Quality, have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

For further details, see the application for construction permits dated May 14, 1971, and amendments thereto, and TVA's draft environmental statement dated August 26, 1972, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of those documents will also be made available at the Dayton Public Library, First Avenue, Dayton, Tenn. 37321, for inspection by members of the public between the hours of 1 p.m. and 5 p.m. Tuesday through Saturday. As they become available, a copy of the report of the Advisory Committee on Reactor Safeguards (ACRS), the safety evaluation by the Commission's Directorate of Licensing, TVA's final environmental statement, the proposed construction permits, other relevant documents, and the transcripts of the prehearing conferences and of the hear-

ing will also be available at the above locations. Copies of the proposed construction permits, the ACRS report, and the Directorate of Licensing's safety evaluation may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who does not wish to, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than thirty (30) days from the date of publication of this notice in the *FEDERAL REGISTER*.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding, must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714.

A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A petition for leave to intervene must be filed with the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545,

Attention: Chief, Public Proceedings Staff, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

With respect to this proceeding, the Commission will delegate to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission will establish the Appeal Board pursuant to 10 CFR 2.785 and will make the delegation pursuant to subparagraph (a) (1) of that section. The Appeal Board will be composed of a Chairman and two other members to be designated by the Commission. Notice of the membership of the Appeal Board will be published in the FEDERAL REGISTER.

Dated at Germantown, Md., this 21st day of September 1972.

UNITED STATES ATOMIC ENERGY  
COMMISSION,

PAUL C. BENDER,  
Secretary of the Commission.

[FR Doc.72-16401 Filed 9-26-72;8:47 am]

## ENVIRONMENTAL PROTECTION AGENCY

### ENVIRONMENTAL IMPACT STATEMENTS

#### Notice of Availability of Agency Comment

Appendix I contains a listing of draft environmental impact statements which

the Environmental Protection Agency (EPA) has reviewed and commented upon in writing during the period from September 1 to September 15, 1972, as required by section 102(2) (C) of the National Environmental Policy Act of 1969 and section 309 of the Clean Air Act, as amended. The listing includes the Federal agency responsible for the statement, the number assigned by EPA to the statement, the title of the statement, the classification of the nature of EPA's comments, and the source for copies of the comments.

Appendix II contains definitions of the four classifications of EPA's comments. Copies of EPA's comments on these draft environmental impact statements are

available to the public from the EPA offices noted.

Appendix III contains a listing of the addresses of the sources for copies of EPA comments listed in Appendix I.

Copies of the draft environmental impact statements are available from the Federal department or agency which prepared the draft statement or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

Dated: September 20, 1972.

SHELDON MEYERS,  
Director,  
Office of Federal Activities.

#### APPENDIX I

ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN SEPTEMBER 1, 1972, AND SEPTEMBER 15, 1972

Responsible Federal Agency	Title and Identifying number	General nature of comments	Source for copies of comments
Atomic Energy Commission.....	D-AEC-0005-53: Arkansas Nuclear One-Unit No. 2, Ark.	2	A
Corps of Engineers.....	D-COE-3233-15: Gathright Lake Project Jackson River, Bull, Alleghany, Va.	2	D
	D-COE-3245-23: Local Protection Project Licking County, Ohio	2	F
Department of Agriculture.....	D-COE-3232-28: Highland Lake, Fall Creek Basin, Ind.	2	F
	D-DOA-3317-11: Neshapack Creek Watershed, Luzerne County, Pa.	2	D
	D-DOA-3515-19: Home Range Swamp Watershed Project, S.C.	2	E
Department of the Interior.....	D-DOT-61074-22: Proposed special use permit aerial tramway Great Smoky Mountains National Park, Tenn.	1	E
Department of Transportation...	D-DOT-4143-11: L.R. 1100 Sec 3 Cambria County, Pa.	2	D
	D-DOT-54103-12: Rapid Transit System Sec A Phase I Baltimore, Md.	1	D
	D-DOT-4147-21: Ocoee County State Road 430A, Fla.	2	C
	D-DOT-4143-18: Cumberland County, Fayetteville, Caln Road, N.C.	1	E
	D-DOT-5016-23: Little Lake Butte Des Morts (Fox R.) Winnebago County, Wis.	2	F
	D-DOT-4149-27: Farm Route 17 (Illinois Route 10) Coles and Menard Counties, Ill.	1	F
	D-DOT-4149-27: F.A.P. 497 Adams County, Ill.	2	F
	D-DOT-4145-23: STH 35 and 24 FAP Route 23-1 Bufile and Tropicana Counties, Wis.	2	F
	D-DOT-4143-28: U.S. 25 Danville to Avera, Hendricks County, Ind.	2	F
	D-DOT-4141-35: I-55 Panshataula-Franklin Highway, St. John the Baptist and Tangipahoa Parishes, La.	2	G
	D-DOT-4147-37: North-South Freeway Dubuque, Iowa	1	H
	D-DOT-4144-38: S-12-2 (1001) 616 and 523 Sparks-Norden and Norden-L., Neb.	2	H
	D-DOT-4143-33: Kearney-South F-253, Neb.	2	H
	D-DOT-4142-43: Highway Project Weston County, Wyo.	2	I
	D-DOT-4141-41: Highway Project Seventh and Ninth Streets, N. Dak.	1	I
	D-DOT-4134-43: Highway Hanna Secondary S-SG-034(D) Wyo.	1	I
	D-DOT-4143-44: Squaw Flat-Confidence Overlook Road Canyon Lands National Park, Utah.	1	I
	D-DOT-4132-48: I-10 Phoenix Highway, Maricopa County, Ariz.	4	J
Department of Health, Education, and Welfare.	D-HEW-5057-00: Notice of Proposed Rulemaking Polychlorinated Biphenyls.	1	A

#### APPENDIX II

##### DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

(1) *General agreement/lack of objections.* The Agency generally:

(a) Has no objections to the proposed action as described in the draft impact statement;

(b) Suggests only minor changes in the proposed action or the draft impact statement; or

(c) Has no comments on the draft impact statement or the proposed action.

(2) *Inadequate information.* The Agency feels that the draft impact statement does not contain adequate information to assess

fully the environmental impact of the proposed action. The Agency's comments call for more information about the potential environmental hazards addressed in the statement, or ask that a potential environmental hazard be addressed since it was not addressed in the draft statement.

(3) *Major changes necessary.* The Agency believes that the proposed action, as described in the draft impact statement, needs major revisions or major additional safeguards to adequately protect the environment.

(4) *Unsatisfactory.* The Agency believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the safeguards which might be

utilized may not adequately protect the environment from the hazards arising from this action. The Agency therefore recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

## APPENDIX III

## SOURCES FOR COPIES OF EPA COMMENTS

(a) Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

(b) Director of Public Affairs, Region I, Environmental Protection Agency, Room 2303, John F. Kennedy Federal Building, Boston, Mass. 02203.

(c) Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, NY 10007.

(d) Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pa. 19106.

(e) Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street NE., Atlanta, GA 30309.

(f) Director of Public Affairs, Region V, Environmental Protection Agency, 1 North Wacker Drive, Chicago, IL 60606.

(g) Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, TX 75201.

(h) Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, MO 64108.

(i) Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, CO 80203.

(j) Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, CA 94102.

(k) Director of Public Affairs, Region X, Environmental Protection Agency, 1200 6th Avenue, Seattle, WA 98101.

[FR Doc.72-16311 Filed 9-26-72;8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket 23003]

ALASKA AIRLINES, INC., AND  
INTERIOR AIRWAYS, INC.Notice of Postponement of Hearing;  
Enforcement Proceeding

Pursuant to the request of the enforcement attorney, with the concurrence of counsel for the other parties, the hearing in this proceeding, presently scheduled to be held on September 26, 1972 (37 F.R. 17777, Aug. 31, 1972), is hereby postponed indefinitely.

Dated at Washington, D.C., September 22, 1972.

[SEAL] E. ROBERT SEAVER,  
*Administrative Law Judge.*

[FR Doc.72-16453 Filed 9-26-72;8:51 am]

[Docket 18401]

## OMAHA AND DES MOINES CASE

Notice of Postponement of Prehearing  
Conference, Reopened Service

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the prehearing

conference in the above-entitled proceeding now scheduled to commence on October 3, 1972 (37 F.R. 17233), is hereby postponed until further notice.

Dated at Washington, D.C., September 22, 1972.

[SEAL] ROSS I. NEWMANN,  
*Administrative Law Judge.*

[FR Doc.72-16454 Filed 9-26-72;8:51 am]

## CIVIL SERVICE COMMISSION

PHYSICIAN'S ASSISTANT; PUBLIC  
HEALTH SERVICE

## Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on September 15, 1972, for positions of Physician's Assistant, GS-603-7/9, Public Health Service, Indian Health Clinics at Peach Springs and Supai Canyon, Ariz.

Assuming other legal requirements are met, the agency may pay the expense of travel and transportation to first post of duty for appointees to these positions.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant to  
the Commissioners.*

[FR Doc.72-16399 Filed 9-26-72;8:46 am]

FEDERAL COMMUNICATIONS  
COMMISSION

[Dockets Nos. 19585; 19586; FCC 72-813]

KLAMATH TEMPLE AND 960 RADIO,  
INC.Order Designating Applications for  
Consolidated Hearing on Stated  
Issues

In re applications of Klamath Temple, Klamath Falls, Oreg., Docket No. 19585, File No. BPH-7500, requests: Channel 223; 25 kW; -210; and 960 Radio, Inc., Klamath Falls, Oreg., Docket No. 19586, File No. BPH-7603, requests: Channel 223; 27.4 kW; 30 feet; for construction permits.

1. The Commission has under consideration the captioned applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. Therefore, a comparative hearing must be held.

2. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of deter-

mining whether a comparative preference should accrue to either of the applicants.

3. Klamath Temple proposes independent programming, while 960 Radio, Inc., proposes to duplicate the programming of its commonly owned AM station, KLAD, during 67 percent of its broadcast time. When duplicated programming is proposed, the showing permitted under the standard comparative issue is usually limited to evidence concerning the benefits to be derived from the proposed duplication. Jones T. Sudbury, 8 FCC 2d 360, 10 R.R. 2d 114 (1967). In this case, however, since Klamath Temple proposes predominantly religious programming and 960 Radio, Inc., proposes general market programming, a more extensive comparison of the programming proposals is warranted under the standard comparative issue. Ward L. Jones, FCC 67-82 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965). In addition, Klamath Temple proposes no news and only 0.55 percent public affairs programming, while 960 Radio, Inc., proposes 10.5 percent news and 5.5 percent public affairs. Since these disparities in the programming plans of the applicants are significant, they will also be considered under the standard comparative issue. Policy Statement on Comparative Broadcast Hearings, *supra*, at 397.

4. The applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications for a construction permit should be granted.

6. It is further ordered, That the applicants shall file a written appearance stating an intention to appear and present evidence on the specified issues, within the time and in the manner required by § 1.221(c) of the rules.

7. It is further ordered, That the applicants shall give notice of the hearing within the time and in the manner specified in § 1.594 of the rules, and shall seasonably file the statement required by § 1.594(g).

Adopted: September 13, 1972.

Released: September 20, 1972.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
*Secretary.*

[FR Doc.72-16440 Filed 9-26-72;8:50 am]

<sup>1</sup> Commissioners Robert E. Leo and Reld absent.

# **INSTALLATION STANDARDS TASK GROUP OF TECHNICAL STANDARDS SUBCOMMITTEE (PBX ADVISORY COMMITTEE)**

## **Public Meeting**

SEPTEMBER 20, 1972.

In accordance with Executive Order No. 11671, dated June 7, 1972, announcement is made of a public meeting of the Installation Standards Task Group of the Technical Standards Subcommittee of the PBX Advisory Committee, to be held Wednesday, October 4, 1972, at 10 a.m. The Task Group will meet at the A.T. & T. Building, 195 Broadway, Room 1434, New York, NY.

1. Purpose: The purpose of this Task Group is to prepare recommended standards for installation of customer repeat coil coupled PBX for connection to the public network.

2. Membership: The Task Group is chaired by L. A. Hohmann; Task Group members will be determined at this meeting.

3. Activities: Task Group members and observers will present their suggestions and recommendations regarding the various technical criteria and standards that should be considered with respect to interconnection.

4. Agenda: The agenda for this meeting will be to initiate work on Installation Standards for the Repeat Coil Coupled PBX.

It is suggested that those desiring more specific information about the meeting call the Domestic Rates Division on 202 632-6457.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.72-16441 Filed 9-26-72;8:50 am]

# **FEDERAL MARITIME COMMISSION CITY OF LOS ANGELES HARBOR DE- PARTMENT AND PACIFIC FAR EAST LINE, INC.**

## **Notice of Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide

a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Nowland C. Hong, Assistant, Office of the City Attorney, Post Office Box 151, San Pedro, CA 90733.

Agreement No. T-2686, between the city of Los Angeles Harbor Department (City) and Pacific Far East Line, Inc. (PFEL), provides for the nonexclusive preferential assignment of a LASH terminal to PFEL which is to be used for all of PFEL's LASH cargo flowing through metropolitan Los Angeles and the surrounding area tributary thereto. As compensation, the city is to receive all tariff charges applicable to the operation of the facility.

By order of the Federal Maritime Commission.

Dated: September 20, 1972.

FRANCIS C. HUNNEY,  
Secretary.

[FR Doc.72-16384 Filed 9-26-72;8:45 am]

## **D. L. BUCHANAN'S EXPORT STORE ET AL.**

## **Independent Ocean Freight Forwarder License Applicants**

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

David Lee Buchanan, doing business as D.L. Buchanan's Export Store, 110 Crockett Street, Port Lavaca, TX 77970.

Perfect Pak Co., 1001 Westlake Avenue North, Seattle, WA 98109.

Officers and Directors:

Frank W. Koenen, President and Director.  
Betsey F. Koenen, Vice President and Director.

John J. Tuttle, Treasurer and Director.  
Mary Wallace Tolson, Secretary.

All Air & Sea Forwarding Corp., 1033 North Avalon Boulevard, Wilmington, CA 90744.

Officers:

Henry Grey, President.  
Wolfgang O. Lambert, Vice President.  
Asa Grey, Secretary.

Marshall Ashby Smith, Jr., doing business as Reliable Traffic Service, 925 North Fulton Street, Fresno, CA 93728.

Starck Van Lines, Inc., Route 22, Off Parkway West, Pittsburgh, Pa.

Officers and Directors:

Edward J. Starck, President and Director.

James J. Starck, Vice President and Director.

Marguerite J. Starck, Secretary/Treasurer and Director.

James H. Donahoe, Vice President of Operations.

Richard E. Starck, Assistant Treasurer.

Robert J. Starck, Assistant Secretary.

By the Commission.

Dated: September 20, 1972.

FRANCIS C. HUNNEY,  
Secretary.

[FR Doc.72-16385 Filed 9-26-72;8:45 am]

## **LAVINO SHIPPING CO., ET AL STEVEDORING DIVISION**

## **Notice of Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Lavino Shipping Co., Stevedoring Division and Japan Line Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha, Yamashita-Shinnihon Steamship Co., Ltd.

Notice of agreement filed by:

Francis A. Scanlan, Esq., Kelly, Deacey & Scanlan, 926 Four Penn Center Plaza, Philadelphia, PA 19103.

Agreement No. T-2695, between Lavino Shipping Co., Stevedoring Division (Lavino), and Japan Line Ltd.; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; and

Yamashita-Shinnihon Steamship Co., Ltd. (Lines), is a 1-year arrangement whereby Lavino is to furnish the Lines comprehensive container stevedoring terminal and LCL services at its Packer Avenue Marine Terminal at Philadelphia, Pa. As compensation, Lavino is to be paid in accordance with a schedule of rates agreed to by the parties and filed with the Federal Maritime Commission.

Dated: September 22, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.72-16457 Filed 9-26-72;8:51 am]

#### NACIREMA OPERATING CO., INC., ET AL.

##### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Nacirema Operating Co., Inc., and Japan Line Ltd.; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha, Yamashita-Shinnihon Steamship Co., Ltd.

##### Notice of agreement filed by:

John Cunningham, Esq., Komtners, Fort, Schlefer & Boyer, Tower Building, 1401 K Street NW., Washington, DC 20005.

Agreement No. T-2693, between Nacirema Operating Co., Inc. (Nacirema), and Japan Line Ltd.; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; and Yamashita-Shinnihon Steamship Co., Ltd. (Lines),

is a 1-year (with renewal options) container terminal stevedore and LCL service agreement. The agreement provides that Nacirema will furnish the Lines complete terminal, stevedore, and container freight station services in connection with the Lines' container ships calling at the Portsmouth Marine Terminal at the Port of Norfolk, Va. The Lines will compensate Nacirema in accordance with a schedule of rates agreed upon by both parties and filed with the Federal Maritime Commission.

Dated: September 22, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.72-16459 Filed 9-26-72;8:52 am]

#### PORT OF HOUSTON AUTHORITY AND TERMINAL SERVICES HOUSTON, INC.

##### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

##### Notice of Agreement Filed by:

Robert Elkel, Esq., Elkel & Davey, 1442 Esperson Building, Houston, TX 77002.

Agreement No. T-2445-2, between the Port of Houston Authority (Port) and Terminal Services Houston, Inc. (TSH), modifies the original agreement which provides for the month-to-month lease to TSH of a public container marshalling yard. The purpose of the modification is to formalize the basic agreement, provide for a 5-year term (with renewal options),

and increase the compensation to the Port from 20 cents per container ton to 30 cents per container ton handled through facility.

By Order of the Federal Maritime Commission.

Dated: September 21, 1972.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.72-16386 Filed 9-26-72;8:45 am]

[Docket No. 72-52]

#### SEATRAN LINES, INC. AND TRANS- AMERICAN TRAILER TRANSPORT, INC.

##### Proposed Annual Volume Contract Rates on Canned Tuna

Seatrains Lines, Inc.—Proposed annual volume contract rates on canned tuna, FMC-F No. 3 Puerto Rico to U.S. Atlantic ports; and Sea-Land Service Inc., proposed decreases in trailerload rates on canned tuna, FMC-F No. 21 Puerto Rico to U.S. Atlantic and Gulf Ports. First supplemental order of investigation and suspension joining Transamerican Trailer Transport, Inc.—Proposed minimum trailerload reductions on canned tuna, FMC-F No. 1 Puerto Rico to U.S. Atlantic Ports.

On September 14, 1972, this Commission issued an order of investigation into the proposed reductions in rates on tuna fish and related commodities by Seatrain Lines, Inc., and Sea-Land Service, Inc., and suspended those reductions until January 13, 1973. The third carrier in the North Atlantic/Puerto Rico trade, Transamerican Trailer Transport (TTT), is now seeking to reduce its rates on tuna and on cat and dog food by changing the minimum trailerload requirements on these commodities. The effect of the changes will be a reduction in minimum trailerload rates of between 5 and 9 percent depending on the commodity and the size of the can in which it is packed.

Because of the highly competitive nature of the northbound portion of the U.S. Atlantic/Puerto Rico trade, to which these rates apply, this Commission is of the opinion that TTT's reductions may further the instability feared by some of the carriers as set forth in their protests to the earlier Sea-Land and Seatrain reductions. While TTT's reductions do not seem to be as drastic as its competitors', a possible rate war appears to be developing in this trade. Upon consideration of these matters, the Commission is of the opinion that TTT's reductions should be made part of the public investigation and hearing in this proceeding to determine whether they are unjust, unreasonable, or otherwise unlawful under sections 16 First and 18 (a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the



Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said tariff matters for the purpose of making such findings and orders as the facts and circumstances warrant. In the event the matters hereby placed under investigation are further changed, amended or reissued, such changes will be included in this investigation.

*It is further ordered,* That pursuant to section 3, Intercoastal Shipping Act, 1933, 15th revised page 126, and 16th revised page 126 of TTT's tariff FMC-F No. 1 are hereby suspended and the use thereof deferred to and including January 13, 1973, unless otherwise ordered by this Commission.

*It is further ordered,* That there shall be filed immediately with the Commission by TTT a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until January 14, 1973, unless otherwise authorized by this Commission, and that the suspended matter may not be changed until this proceeding has been disposed of or until the period of suspension has expired, whichever comes first, unless otherwise ordered by this Commission.

*It is further ordered,* That as part of this investigation, a determination shall be made as to whether TTT's said reduced rates are violative of sections 16 first and/or (18) (a) of the Shipping Act, 1916.

*It is further ordered,* That TTT shall be named as a respondent in this proceeding.

*It is further ordered,* That copies of this order shall be filed with the said tariff schedules in the Bureau of Compliance of the Federal Maritime Commission.

*It is further ordered,* That this matter be joined with the matter previously set for investigation and hearing in Docket No. 72-52—Seatrains Lines, Inc.—Proposed Annual Volume Contract Rates on Canned Tuna, FMC-F No. 3 Puerto Rico to U.S. Atlantic Ports and Sea-Land Service, Inc., Proposed Decreases in Trailerload Rates on Canned Tuna, FMC-F No. 21 Puerto Rico to U.S. Atlantic and Gulf Ports, and that the lawfulness of these rates be determined in the same proceeding, by the same administrative law judge of the Commission's Office of Hearing Examiners.

*It is further ordered,* That a copy of this order shall forthwith be served on respondent herein, and on all persons previously made parties in Docket No. 72-52 and published in the FEDERAL REGISTER.

*It is further ordered,* That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expedi-

tious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived.

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

[FR Doc.72-16450 Filed 9-26-72;8:51 am]

### SOUTH CAROLINA STATE PORTS AUTHORITY AND SEATRAN LINES, INC.

#### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Marion S. Moore, Jr., South Carolina State Ports Authority, Post Office Box 817, Charleston, SC 29402

Agreement No. T-2689, between the South Carolina State Ports Authority (Authority) and Seatrain Lines, Inc. (Seatrain), provides for the 10-year lease (with renewal options) of certain marine terminal facilities and preferential berth and crane use at the Authority's North Charleston Terminal for use as a container facility. As compensation, Seatrain is to pay \$3,630 per month for use of a portion of the leased area, and a fixed monthly rental charge of an amount equal to 1/120 of the cost of construction of certain additional facilities. In addition, for the first 5

years Seatrain will pay wharfage at the rate of 50 cents per ton, and for subsequent 5-year periods will pay wharfage at the Authority's effective tariff rate at that time. The payment of the 50-cent wharfage rate applies on all cargo handled up to 150,000 tons annually, after which Seatrain will pay only a percentage of wharfage for amounts handled in excess of 150,000 tons. Seatrain guarantees a minimum of 250,000 tons of cargo subject to wharfage for each contract year. Seatrain will also pay \$200 per hour for use of container cranes for the first 5 years of the lease; thereafter paying reduced amounts for each subsequent 5-year period.

Agreement No. T-2689-A, between the Authority and Seatrain, is a 6-year option agreement whereby for the consideration of \$250 per month for each of three areas situated at the Authority's North Charleston Terminal, Seatrain has the option to lease any or all of the areas in conjunction with its prior lease with the Authority (Agreement No. T-2689). If Seatrain exercises its option, all the conditions set forth in Agreement No. T-2689 will be applicable to the leased premises. As compensation, Seatrain would pay to the Authority each month an amount equal to 1/120 of the total value of: The value of the land, plus the cost of filling and grading the property leased, less the option payments made prior to the exercise of the option; such total shall not exceed \$23,000 per acre.

Dated: September 22, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.72-16458 Filed 9-26-72;8:52 am]

## FEDERAL POWER COMMISSION

[Docket No. G-18671]

### DORCHESTER GAS PRODUCING CO. Notice of Petitions for Release of Trust Fund Deposits

SEPTEMBER 19, 1972.

Take notice that on August 10, 1972, and August 28, 1972, Dorchester Gas Producing Co. (Petitioner), Post Office Box 750, Amarillo, TX 79105, filed in Docket No. G-18671 petitions pursuant to section 4 of the Natural Gas Act and § 1.7 of the Commission's rules of practice and procedure for release of certain moneys derived from a sale of natural gas to Northern Natural Gas Co. (Northern) and deposited in a special trust fund, all as more fully set forth in the petitions which are on file with the Commission and open to public inspection.

Petitioner has placed certain moneys into a trust fund, which were collected for a sale of natural gas to Northern from the Hugoton Field, Carson and Gray Counties, Tex., under its FPC Gas Rate Schedule No. 1 and were authorized in Docket No. G-18671 to be collected

subject to refund pending the outcome of the applicable area rate proceeding. In compliance with Commission Opinion No. 586, area rate proceeding, et al. (Hugoton-Anadarko Area), Docket No. AR64-1, et al., Petitioner submitted a refund report showing \$5,207,845.92 of \$11,430,239.20 to be refundable as of October 1, 1971, the effective date of Opinion No. 586. Petitioner herein seeks Commission approval for the release of money in the subject trust fund.

In the petition filed on August 10, 1972, Petitioner seeks authorization to implement an Exploration Fund Agreement with Northern dated August 1, 1972, by release of the refundable amount, which ordinarily would be passed on to Northern. Said agreement calls for the following:

1. The Trustee of the trust fund would pay Petitioner the gross refundable amount (\$5,207,845.92 plus interest earned thereon from October 1, 1970, to the date of release);

2. Petitioner would undertake in consultation with Northern a gas exploration and development program in a prudent effort to develop new gas supplies for dedication to Northern's system;

3. The primary amount to be expended under the exploration and development program would be the gross refundable amount received by Petitioner, or as later adjusted to conform with the final order of the Commission in Docket No. AR64-1, et al.;

4. Petitioner would dedicate to Northern all gas reserves so developed under the program;

5. Upon termination of the exploration fund agreement any unspent portion of the fund amount would revert to the status of a refund and be paid over as such by Petitioner to Northern; and

6. Petitioner would refund to Northern an amount up to 125 percent of the exploration fund actually expended in the form of a downward gas payment adjustment, which would be payable solely out of 25 percent of Petitioner's net working interest from gas dedicated by the exploration program.

Petitioner asserts that its financial status is unique to the natural gas industry and has become critical so as to justify the proposed release of funds. Petitioner states that it acquired the subject properties along with other properties in Kansas and Oklahoma, formerly owned by Panoma Corp., for a price of \$37 million, \$2 million paid by cash and \$35 million paid by a loan from the Metropolitan Life Insurance Co. and The Mutual Life Insurance Co. of New York in the form of secured notes at 5 percent interest per annum. At the time of purchase Petitioner projected the loan to be paid up by January 1, 1967, through the application of 96 percent of the gross proceeds attributable to the leasehold working interest from lands so purchased; however, as of October 1, 1970, Petitioner states, there was an unpaid balance of \$25,787,584 on the loan. Petitioner further states that it was allowed to retain 3½ percent of the gross proceeds and to assume the obligation of

paying all leasehold ad valorem taxes and of bearing all costs of operating and maintaining the properties. Petitioner asserts that this only allowed it \$10 per month per well after payment of ad valorem taxes as compared with the industry's Panhandle-Hugoton Field operating experience of \$50-\$100 per month per well and that it is now faced with not only operating costs in excess of its 3½ percent allowance, but also substantial new capital investment requirements in workover and fracturing of wells, gathering system modifications and the installation of substantial compression facilities if gas deliveries are to be continued and desired rates maintained. Applicant alleges that today, 17 years from the date of purchase, it has not received and in the absence of special relief has little prospect of ever receiving any return whatever, either principal or interest, on its investment.

In the petition filed on August 28, 1972, Petitioner seeks the release of the rest of the trust fund deposits under Docket No. G-18671, which it is entitled to receive and distribute under the area rates established by Commission Opinion No. 586. Petitioner states that as of September 1, 1972, the balance of the fund is approximately \$11,702,436 and that pursuant to Opinion No. 586 it is entitled to approximately \$6,090,762. Petitioner states that if and when this sum is released, it will be distributed in the approximate amounts:

(a) To the note holders (Metropolitan Life Insurance Co. and The Mutual Life Insurance Co. of New York), \$3,925,110;

(b) To the royalty owners, \$1,039,978;

(c) To joint-interest owners, \$463,299; and

(d) To itself, \$42,012, with the remaining \$620,463 also to be retained by itself, a portion of which will be used to reimburse it for Texas gross production taxes paid for the account of other interest owners.

Applicant believes that such funds requested to be released in its August 28, 1972, petition are now refundable under Opinion No. 586, as said Opinion was affirmed by the U.S. Court of Appeals for the Ninth Circuit on July 31, 1972.

Any person desiring to be heard or to make any protest with reference to said petitions should on or before October 16, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,  
Acting Secretary.

[FR Doc. 72-16425 Filed 9-26-72; 8:49 am]

[Project 2677]

## GREEN BAY & MISSISSIPPI CANAL CO. Availability of Environmental Statement for Inspection

SEPTEMBER 21, 1972.

Notice is hereby given that on August 31, 1970, as required by § 2.81(b) of Commission regulations under Order 415-B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with an application for license filed pursuant to the Federal Power Act for the constructed Badger-Rapide-Croche Project No. 2677 located on the Fox River near the city of Kaukauna, Wis.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The project consists of (1) a 2,100 foot long, 100 foot wide power canal, conveying water to Old Badger and New Badger Plants from the Fox River above the U.S.-owned upper dam in Kaukauna; (2) Old Badger powerhouse having a capacity of 2,000 kw.; (3) New Badger powerhouse having a capacity of 3,600 kw.; (4) Rapide-Croche powerhouse located 4.5 miles downstream at the U.S.-owned Rapide-Croche Dam, and having a capacity of 2,400 kw.; (5) a 12 kv. transmission line about 6 miles long from the Rapide-Croche plant to a point near the Badger plants; and appurtenant facilities.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of Order 415-B. Written statement by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 45 days from September 22, 1972. The Commission will consider all response to the statement.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 72-16302 Filed 9-26-72; 8:46 am]

## NATIONAL GAS SURVEY

### Notice of Agenda for Meeting

Agenda, meeting, Supply-Technical Advisory Task Force-Natural Gas Technology; to be held in Conference Room



2043 of the Federal Power Commission, 441 G Street NW., Washington, D.C., October 5 and 6, 1972—9 a.m.

Presiding: Dr. Paul J. Root, FPC Survey Coordinating Representative and Secretary.

1—Call to Order and Introductory Remarks, Dr. Root.

2—Review and Discussion of the Data Previously Developed, Mr. Lloyd E. Elkins, Director, Supply-Technical Advisory Task Force-Natural Gas Technology.

3—Review and Discussion of the Draft Sections of the Final Report, Mr. Elkins.

4—Status of Assigned Work Program and Estimated Date for Completion, Mr. Elkins.

5—Other Business.

6—Adjournment, Dr. Root.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-16394 Filed 9-26-72; 8:46 am]

[Project 2723]

### PUBLIC UTILITY DISTRICT NO. 1, DOUGLAS COUNTY, WASH.

#### Notice of Application for Preliminary Permit for Unconstructed Project

SEPTEMBER 21, 1972.

Public notice is hereby given that application for preliminary permit has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Public Utility District No. 1 of Douglas County, Wash. (correspondence to Public Utility District No. 1 of Douglas County, 1151 North Main Street, East Wenatchee, WA 98801, Attention: Mr. Fred W. Lieberg, Manager, and Bechtel Inc., Post Office Box 3965, San Francisco, CA 94119, Attention: Mr. J. G. Patrick), for proposed Project No. 2723, to be known as the Brown's Canyon Project, to be located on the Columbia River, in Douglas County, Wash.

According to the application the proposed project is a pumped-storage development with a capacity of 1,000 megawatts and an operating head of 2,388 feet. The upper reservoir will be contained by two dikes, one approximately 3,000 feet in length with a maximum height of 150 feet and the other approximately 5,000 feet in length with a maximum height of 100 feet. The upper reservoir with a total storage capacity of 15,000 acre feet would be located on top of Waterville Plateau approximately 6 miles due north of Waterville, Wash. The lower reservoir would be existing Lake Entiat, the reservoir of the Rocky Reach Project No. 2145. The power tunnel intake structure would be located along the south bank of the Rocky Reach reservoir. The project would include an underground powerhouse and a surface switchyard, the feasibility of which would be investigated under the preliminary permit, if granted. The proposed project would affect approximately 230 acres of lands of the United States administered by the Bu-

reau of Land Management, Department of the Interior.

The use or market for the power and energy to be generated by the project would be to meet the future load requirements of the District with the surplus being sold to electric utilities in the Pacific Northwest through transmission facilities of the Northwest Power Pool.

No construction is authorized under a preliminary permit.

Any person desiring to be heard or to make protest with reference to said application should on or before November 20, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-16391 Filed 9-26-72; 8:46 am]

[Project 1894]

### SOUTH CAROLINA ELECTRIC & GAS CO.

#### Availability of Environmental State- ment for Inspection

SEPTEMBER 21, 1972.

South Carolina Electric & Gas Co. on July 26, 1972, filed an application with the Federal Power Commission requesting (1) a new license under section 15 of the Federal Power Act for the existing Parr Hydroelectric Project (FPC No. 1894) located on the Broad River in Fairfield and Newberry Counties, S.C.; requesting (2) authorization to construct and include within the new license a pumped-storage project utilizing the existing Parr Reservoir enlarged to serve as the lower pool; and requesting (3) authorization to use the upper reservoir of the pumped-storage project as a cooling impoundment for a proposed nuclear electric power plant (AEC Docket No. 50-395).

Notice is hereby given that a draft environmental statement on this application is being placed in the public files of the Federal Power Commission as required by § 2.81(b) of Commission regulations under Order 415-B (36 FR. 22738, November 30, 1971). This environmental statement contains information conforming to section 7 of the guidelines of the Council on Environmental Quality (36 FR. 7724, April 23, 1971).

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW.,

Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151, on or about September 22, 1972.

The existing project is a conventional hydroelectric facility comprising a 2,715-foot-long concrete dam, a 1,850-acre reservoir with a controlled surface elevation of 257.0 feet, USC&GS, a powerhouse containing six generators rated at 2,480 kilowatts each, with provisions for two additional units, and all other facilities and interests appurtenant to its operation.

The redeveloped project for which a license is requested of the Federal Power Commission will comprise the existing Parr powerhouse structure and generating equipment, the existing Parr Dam raised 9 feet in height, an enlarged Parr Reservoir having a surface area of 4,400 acres at elevation 266 feet, USC&GS, providing water for operation of the existing Parr project and serving as the lower pool of a proposed pumped-storage project consisting of a 6,800-acre upper pool (Monticello Reservoir); four random-fill dams; an intake channel; a gated intake structure; four 800-foot-long surface penstocks; a semioutdoor generating station (Fairfield Powerhouse) housing eight 83,000 horsepower pump-turbine units and eight motor-generators rated at 100,000 horsepower/64,800 kilowatts; a switchyard; associated transmission lines; and all other facilities appurtenant to operation of the project.

Immediately proposed nuclear works subject to jurisdiction of the Atomic Energy Commission, the Virgil C. Summer Nuclear Station to be located on the south shore of Monticello Reservoir, will contain a single nuclear reactor and a single 900,000-kilowatt generator. Application for license for this facility is pending before the Atomic Energy Commission in AEC Docket No. 50-385; however, authorization for use of the pumped-storage reservoir as a cooling impoundment is requested of the Federal Power Commission.

The recreational use of Parr Reservoir at present consists of fishing and waterfowl hunting. Due to pumped-storage operation, presently contemplated recreational development of Parr Reservoir consists of a boat launching area. The applicant contemplates no construction of facilities for water contact recreational use within the main body of Monticello Reservoir. Rather, the applicant plans to construct a separate 300-acre subimpoundment for recreational use. A scenic overlook will be located on the eastern shore of Monticello Reservoir; and 1,082.5 acres of land will be purchased for future recreational use.

The existing hydroelectric units will continue to be operated as in the past; while the pumped-storage addition will provide peaking capacity. Operation of the redeveloped hydroelectric project will be coordinated with operation of the nuclear station. Its total power output will be available to assist other systems in cases of emergencies.

Any party desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, containing an explanation of its differing environmental position, specifying wherein its position is at variance with the environmental statement upon which the intervenor wishes to be heard, and including a discussion of the factors enumerated in § 2.80 of Commission Order 415-B. Written statements by parties not wishing to intervene may also be filed for Commission consideration. All petitions to intervene and all written statements should be filed with the Secretary of the Commission on or before 45 days from the date of this publication. The Commission will consider all responses.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-16393 Filed 9-26-72;8:46 am]

## FEDERAL RESERVE SYSTEM

### CAPITOL BANCORPORATION

#### Formation of One-Bank Holding Company

Capitol Bancorporation, Boston, Mass., has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of 100 percent of the voting shares of Capitol Bank and Trust Company, Boston, Mass. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than October 16, 1972.

Board of Governors of the Federal Reserve System, September 19, 1972.

[SEAL] MICHAEL A. GREENSPAN,  
Assistant Secretary of the Board.

[FR Doc.72-16426 Filed 9-26-72;8:49 am]

### FIRST COMMERCIAL BANKS INC.

#### Proposed Acquisition of Schenectady Discount Corporation

First Commercial Banks Inc., Albany, N.Y., has applied, pursuant to section 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c) (8)) and § 225.4 (b) (2) of the Board's Regulation Y, for permission to acquire 95 percent or more of the voting shares of Schenectady Discount Corp., Colonie, N.Y. The proposed acquisition also represents an indirect acquisition of shares of Markwood Agency, Inc., Albany, N.Y.; Colonie Adjustment Service, Inc., Albany, N.Y.; Desert Insurance Agency, Apache Junction, Ariz.; and Sunland Adjustment

Service Corp., Apache Junction, Ariz., all of which are wholly owned subsidiaries of Schenectady Discount Corp. Notices of the application were published on August 9, 1972, in the Albany Times Union, a newspaper circulated in Colonie, N.Y.; on August 9, 1972, in The Wall Street Journal, a newspaper circulated in New York, N.Y.; on August 17, 1972, in Apache Sentinel, a newspaper circulated in Apache Junction, Ariz.; and on August 28, 1972, in The Arizona Republic, a newspaper circulated in Phoenix, Ariz.

Applicant states that the proposed subsidiary and its subsidiaries would engage in the activities of (1) purchasing from mobile home dealers and others retail installment sales contracts deriving from the sale of mobile homes; (2) making direct loans to mobile home dealers to finance inventory; and (3) the collection of delinquent loans held by Schenectady Discount Corp. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). The Applicant further states that the proposed subsidiaries would engage in the activities of (4) the sale of group credit life insurance to its debtors and (5) the sale of casualty insurance on the property serving as collateral for the above-described extensions of credit. Under certain circumstances specified in the Board's interpretation (12 CFR 225.128) of § 225.4(a) (9) of Regulation Y, such activities may be permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 20, 1972.

Board of Governors of the Federal Reserve System, September 19, 1972.

[SEAL] MICHAEL A. GREENSPAN,  
Assistant Secretary of the Board.

[FR Doc.72-16427 Filed 9-26-72;8:49 am]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

### ECOLOGICAL SCIENCE CORP.

#### Order Suspending Trading

SEPTEMBER 19, 1972.

The common stock, 2 cents par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia - Baltimore - Washington Stock Exchange and Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from September 20, 1972 through September 29, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-16408 Filed 9-26-72;8:47 am]

[70-5232]

### METROPOLITAN EDISON CO.

#### Notice of Amendment of Return Date of Previous Notice

SEPTEMBER 20, 1972.

In the matter of Metropolitan Edison Co., 2800 Pottsville Pike, Muhlenberg Township, Berks County, PA 19605, 70-5232.

Notice is hereby given that by prior notice, dated September 15, 1972, (Holding Company Act Release No. 35-17697) in the above entitled proceedings, opportunity was afforded to all interested persons to request in writing, not later than October 6, 1972, that a hearing be held on such matter. The final paragraph of the notice of September 15, 1972, is hereby amended to delete October 6, 1972, as the final date on which a hearing may be requested and to substitute therefor the date of October 2, 1972.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-16410 Filed 9-26-72;8:47 am]

[File No. 500-1]

**MINUTE APPROVED CREDIT PLAN,  
INC.****Order Suspending Trading**

SEPTEMBER 20, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.05 par value, and all other securities of Minute Approved Credit Plan, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange, be summarily suspended, this order to be effective for the period from September 21, 1972, through September 30, 1972.

By the Commission.

[SEAL]

RONALD F. HUNT,  
Secretary.

[FR Doc.72-16409 Filed 9-26-72;8:47 am]

[812-3261]

**VALUE LINE DEVELOPMENT CAPITAL  
CORP. AND MED-I-MARK, INC.****Notice of Application for Order**

SEPTEMBER 20, 1972.

Notice is hereby given that the Value Line Development Capital Corp., 5 East 44th Street, New York, NY 10017 (the Fund), a closed-end diversified management investment company registered under the Investment Company Act of 1940 (Act), and Med-I-Mark, Inc., 33 Giraldo Avenue, Coral Gables, FL 33134 (the Company), a Delaware corporation (hereinafter jointly referred to as Applicants), have filed an application pursuant to section 17(d) of the Act and Rule 17d-1 thereunder requesting an order of the Commission permitting the provisions of various agreements relating to the rights of the Fund as a holder of shares of the common and preferred stock of the Company to be modified and amended in connection with a proposed public offering of the Company's securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

On December 22, 1969 the Fund, in a private placement, purchased at a price of \$2 per share 24,500 shares of common stock of the Company which was then known as Data Flight Financial Corp. Richardson Venture Co. (herein called Richardson), an Arizona partnership, purchased 6,125 shares of the Company's common stock at the same price and subject to the same terms and conditions as the Fund.

The Company subsequently experienced financial problems and became defunct. In the summer of 1971, the Company was reorganized, its name was

changed, a two-for-three reverse split of its common stock was effected, and three private individuals invested a total of \$75,000 in the Company. The Fund then purchased 37,500 shares of the Company's convertible preferred stock at a price of \$2 per share. As a result of the reverse stock split, the Fund owns 16,333 shares (approximately 8.8 percent) of the 185,867 shares of outstanding common stock of the Company, which is its only class of voting stock. As a result of such stock ownership, the Fund and the Company are, under section 2(a) (3) of the Act, affiliated persons of each other. In addition to the aforementioned common stock, the Fund also continues to hold 37,500 shares of the convertible preferred stock of the Company.

The Company presently proposes to make a public offering of 125,000 units of its securities at a price of \$5.75 per unit. Each unit will consist of one share of common stock and one warrant to purchase one share of common stock at \$5.75 per share or, if the Company's earnings do not at least equal 75 cents per share for the year ending December 31, 1972, one and one-half shares of common stock at a total price of \$5.75. The warrants will be exercisable for a period of 5 years. The Company is presently in a difficult financial position which the proposed public offering is intended to relieve.

Agreements entered into in connection with the Fund's purchases of the Company's common and preferred stock contain provisions which, if continued, might make the proposed public offering less attractive to investors and thus threaten the success of the Company's offering.

In order to protect its investment in the Company, the Fund is willing to make possible and enhance the proposed public offering of the Company's securities, which will not include any of the shares of the Company held by the Fund, by acceding to the Company's request that the aforementioned agreements be modified and amended as follows:

(1) Affirmative and negative covenants given by the Company to the Fund with respect to the manner in which the Company's business would be conducted would be eliminated;

(2) Restrictions on the prices at which the Company can make offerings would be removed;

(3) The Fund's preemptive rights to maintain the same proportionate interest in the Company would be waived;

(4) The rights of the holders of the Company's convertible preferred stock with respect to the kinds of business transactions that the Company may engage in, and with respect to the number of directors which the holders of convertible preferred stock may elect in the event the Company defaults on its obligation to pay dividends on that stock, will be restricted and limited;

(5) The Fund's right to have the Company register the securities of the Company held by the Fund at the request of the Fund and at the Company's expense would be limited to two registration statements at the Company's

expense, and each such filing would be required to include a stated minimum number of shares; the obligation of the Company to bear the expense of amendments to registration statements that have already become effective, and the Fund's right to require amendments to references to the Fund in such registration statements of the Company, would be eliminated; and furthermore, the Fund's rights to demand registration would be subject to the approval and consent of the presently proposed underwriter of the proposed offering during the 30 months subsequent to the consummation of the present proposed public offering, and the Fund could not sell its holdings in the Company in any manner for a period of 15 months subsequent to the consummation of the presently proposed public offering without the consent and approval of the presently proposed underwriter; and

(6) The indemnification which the Fund has given the Company against liabilities resulting from the Fund's conduct in regard to a registration statement filed at the Fund's request will be extended to include the underwriter as an indemnified party.

Rule 17d-1 under the Act, enacted pursuant to section 17(d) of the Act, insofar as it is pertinent here, prohibits the Company, as an affiliated person of the Fund, from participating in or effecting any transaction in connection with any joint enterprise or joint arrangement or profit-sharing plan in which the Fund is a participant, without the Commission's permission. In passing upon the application filed by the Applicants, the Commission will consider whether the participation of the Fund in the proposed transactions is consistent with the provisions, policies, and purposes of the Act, and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants.

The Fund represents that other than the securities of the Company owned by the Fund, no person affiliated with the Fund, and no officer, director or employee of the Fund or its affiliates owns any of the Company's securities or is in any way affiliated with the Company, and neither the Fund, nor any person affiliated with the Fund, nor any officer, director or employee of the Fund, intends to purchase any of the Company's securities to be offered pursuant to the proposed public offering.

Applicants also represent that Richardson, a nonaffiliated person, has agreed to the proposed amendments insofar as they are applicable to Richardson's holdings of the common stock of the Company.

Applicants further represent that the proposed modification in the rights of the Fund is essential to the survival of the Company in which the Fund is a shareholder, and hence is in the interest of the Fund and its shareholder and is consistent with the purposes and policies of the Act.

Notice is further given that any interested person may, not later than October 5, 1972, at 5:30 p.m., submit

to the Commission in writing a request for a hearing on the matter, accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-16411 Filed 9-26-72;8:47 am]

[File No. 245F-3696]

### VIEW-X-INC.

#### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

SEPTEMBER 20, 1972.

I. View-X-Inc., 225 East Bridger Avenue, Suite 890, Las Vegas, NV (View-X), incorporated in the State of California on January 28, 1971, filed with the Commission a notification on Form 1-A and an offering circular, relating to a proposed offering of 250,000 shares of its common stock at \$2 per share for an aggregate offering of \$500,000, for the purpose of obtaining an exemption from registration requirements of the Securities Act of 1933 pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

On June 15, 1971, View-X was authorized to commence its offering. The underwriter of the offering was Enterprise Securities Corp. of Las Vegas, Nev. On October 22, 1971, View-X filed an amendment to its notification replacing Enterprise Securities Corp. with a new underwriter, J. Shapiro Co. of Beverly Hills, Calif. View-X was authorized to recommence its offering on January 7, 1972. According to a Form 2-A filed by

View-X on March 28, 1972, the offering was completed as of March 16, 1972.

II. The Commission, on the basis of information reported to it by its staff, has reason to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. Items 2 and 3 of the notification failed to name Lawrence O. Gibbons as an officer, director, promoter, and affiliate of View-X;

2. The offering circular of View-X failed to state the true purpose of the offering and the method of the offering.

B. The notification and offering circular of View-X omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading and contain untrue statements of material facts in that:

1. The fact that Lawrence O. Gibbons was a promoter, affiliate, and de facto officer and director of View-X was not disclosed;

2. The fact that a substantial portion of the proceeds would not be applied to the development of the issuer's product was not disclosed;

3. The fact that a substantial portion of the proceeds would be used for the benefit of Lawrence O. Gibbons and Leo Gibbons was not disclosed; and

4. The true method of offering of the securities of View-X was not disclosed.

C. The offering was made in violation of section 17 of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

*It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of View-X-Inc. under Regulation A be, and it hereby is, temporarily suspended.

*It is further ordered*, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having an interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any

hearing will be promptly given by the Commission.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

To: Certification and Service Unit.

The following persons are to be served at the indicated addresses:

#### ISSUER

View-X-Inc., Suite 890, 225 East Bridger Avenue, Las Vegas, NV 89101.

#### UNDERWRITER

J. Shapiro Co., 8383 Wilshire Boulevard, Beverly Hills, CA 90211.

#### TRANSFER AGENT

Nevada Agency & Trust Co., 2 Ryland Street, Reno, NV 89502.

#### OTHEES

Ronald G. Frazier (former officer, director, and promoter), 18632 Jocotal Avenue, Villa Park, CA 92667.

Leo L. Gibbons, (officer, director and promoter), 3302 San Joaquin Avenue, Covina, CA 91722.

Ramon J. Walton (officer and promoter), 6520 Roswell Road, Atlanta, GA 30328.

Thomas P. Stafford (director and promoter), 435 Bayou View Drive, Seabrook, TX 77580.

Lawrence O. Gibbons, 27704 Hamiltair, Post Office Box 757, Lake Arrowhead, CA 92363.

Abeles & De Bro (counsel for Issuer), Suite 300, 315 South Beverly Drive, Beverly Hills, CA 90212.

Phillip Deitch (counsel for Issuer), 1888 Century Park East, Los Angeles, CA 90067.

Goldman, Gilbert & Freedman (counsel for Underwriter), Suite 1940, 1900 Avenue of the Stars, Los Angeles, CA 90067.

U.S. Securities and Exchange Commission, San Francisco Branch Office, 450 Golden Gate Avenue, Box 36042, San Francisco, CA 94102; Attention: Carl B. Noelle.

J. Shapiro Co., 1740 Midwest Plaza Building, Minneapolis, Minn. 55401.

[FR Doc.72-16412 Filed 9-26-72;8:47 am]

## SELECTIVE SERVICE SYSTEM

### REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective Service System. Temporary Instructions constitute Appendix 2 of that manual. The material contained in Temporary Instruction 670-2 is considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore, Temporary Instruction 670-2 is set forth in full as follows:

[Temporary Instruction 670-2]

Issued: September 12, 1972.

SUBJECT: Initial "List of Registration Certificates" and "List of Notices of Classification."

1. The initial list of registration certificates and list of notices of classification have been forwarded to local boards or will be forwarded in the very near future. These initial lists have been compiled from OCR SSS Forms 2 and 110, prepared by the local boards in January and February of 1972. Subsequent listings for March through September 1972 will be distributed to the local boards

during the next several weeks. Thereafter the lists will be distributed monthly.

2. *List of registration certificates.* a. The list of registration certificates is prepared to assure the local board that the Computer Service Center has received an acceptable Copy 1 of each Registration Certificate (OCR SSS Form 2), issued by the local boards for those registrants born 1953 and later.

b. If a local board receives a report intended for a local board in another location, the report shall be forwarded to the appropriate State Director of Selective Service for transmittal to the proper local board.

c. Each selective service number (SSN), name and date of birth listed on the report shall be verified against the SSN, name and date of birth of each registrant entered on the SSS Form 102. If after verification it is determined that the information on the report corresponds to that information listed on the SSS Form 102, a penciled check will be placed to the right of the fourth element of the SSN on both the SSS Form 102 and the report. In the event the information on the report does not correspond with the information in the SSS Form 102, the penciled check will not be placed on the SSS Form 102, or the report. Instead, the erroneous entry on the report shall be completely circled. No corrective action will be taken until such time as the local board receives the September 1972 list of registration certificates. Prior to that time, guidelines will be forwarded to the local boards that will indicate any required corrective action.

d. After verification by the local board, the list of registration certificates shall be filed in accordance with the Uniform National Filing System.

3. *List of notices of classification.* a. The initial list of notices of classification includes acceptable OCR SSS Forms 110, prepared by the local board in February of 1972. The list of notices of classification assures the local board that the Computer Service Center has received an acceptable "original," "change," or "delete" SSS Form 110 and that the classification listed on the report matches the classification posted on the Classification Record, SSS Form 102. "Duplicate" SSS Forms 110 are not listed on the report. Therefore any local board copy of a "duplicate" SSS Form 110 on file at the local board or prepared in the future will be destroyed following submission of the Computer Service Center copy.

b. Each report will be verified by using the local board copy (Copy 3) of the SSS Form 110 and the SSS Form 102 as the control documents. Under headings of "Administratively Assigned to Class 1-H, Month, Year," "Board Meeting, Month, Day, Year," "Appeal Board Meeting, Month, Day, Year," or "Delete Month, Day, Year" will be listed registrants by SSN, name, previous class, if applicable, new class and type of SSS Form 110 submitted. With the exception of previous class, this information will be verified against the local board copy of the SSS

Form 110 on file. If after verification the local board determines that the information listed on the report is the same as that on the SSS Form 110 on file, a penciled check will be placed on the report to the right of the SSN.

c. The SSN listed on the report shall then be compared against the SSN on the SSS Form 102 to verify the name and the "new" classification. Verification of the "previous" classification will not be made. When it is determined that the name and "new" classification listed on the report correspond to the name and classification listed on the SSS Form 102, a penciled check will be placed to the right of the "new" classification entry on the report. The penciled check will not be made in the event the information does not correspond. However, the discrepancy will be circled on the report indicating possible subsequent corrective action. No corrective action will be accomplished until receipt of the lists of notices of classification for September 1972. After verification, the report shall be filed in accordance with the Uniform National Filing System.

d. You may find on the list of notices of classification that registrants have been listed under administrative assignment to Class 1-H for January 1972. All listings under this heading should be disregarded.

4. *Exception listing.* a. Included with the list of registration certificates and the list of notices of classification may be a separate exception listing for the SSS Form 2 and/or SSS Form 110. The exception listing is an indication to the local board that the information submitted on an OCR form is not compatible with the information in the registrant's record at the Computer Service Center. In the event there are no exception comments, an exception listing will not be included. Should you receive an exception listing, for the SSS Form 2, the corresponding SSN will be listed on the list of registration certificates and shall be circled by the local board indicating that possible corrective action may be required in the future. However, no corrective action will be taken at this time and for any SSN listed on an exception listing a penciled check will not be made on the SSS Form 102. The exception listing will be filed with the list of registration certificates for the same reporting month.

b. Should you receive an exception listing for the SSS Form 110, the corresponding SSN will be listed on the list of notices of classification and will be circled by the local board indicating that possible corrective action may be required in the future. However, no corrective action will be taken at this time and for any SSN listed on an exception listing, a penciled check will not be made on the SSS Form 102.

5. The local board copy of the SSS Form 110 may be destroyed after verification and if there are no exception comments for the SSN listed on the "Exception Listing SSS Form 110." If there is an exception comment, retain the local board copy until possible cor-

rective action has been accomplished. The exception listing will be filed with the list of notices of classification for the same reporting month.

6. After a local board has verified the list of registration certificates and the list of notices of classification and found that the entries on these reports correspond to the information on file at the local board, you may assume that the information in the records at the Computer Service Center is correct.

7. This temporary instruction will terminate on November 30, 1972.

BYRON V. PEPITONE,  
Acting Director.

SEPTEMBER 22, 1972.

[FR Doc.72-16460 Filed 9-26-72;8:52 am]

## INTERSTATE COMMERCE COMMISSION

[Notice 85]

### ASSIGNMENT OF HEARINGS

SEPTEMBER 22, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-C-7850 American Movers & Storage, C. & M. Moving & Storage American Red Ball Transit Co., Inc. Belins Van Lines Co., and Towne Services Household Goods Transportation Co., Inc.—Investigation of Operations—now being assigned hearing December 4, 1972 (1 day), at Dallas, Tex., in a hearing room to be later designated.

MC-63100 Sub 16, D. P. Bonham Transfer, Inc., now being assigned hearing December 5, 1972 (1 day), at Dallas, Tex., in a hearing room to be later designated.

MC-110525 Sub 1037, Chemical Leaman Tank Lines, Inc., now being assigned hearing December 6, 1972 (3 days), at Dallas, Tex., in a hearing room to be later designated.

MC-135021 Sub 1, Texas Overland Trucking, Express, Inc., now being assigned hearing December 11, 1972 (1 week), at Dallas, Tex., in a hearing room to be later designated.

MO 135503 Sub 2, William R. Wade Common Carrier Application, now assigned October 10, 1972, hearing will be held in Room 600, New Federal Building, 601 East 12th Street, Kansas City, MO.

MC 123703 Sub 1, McRay Truck Line, Inc., Common Carrier Application, now being assigned hearing November 27, 1972, at Louisville, Ky., in a hearing room to be later designated.

MC 106497 Sub 66, Parkhill Truck Co., now being assigned hearing November 28, 1972, at Louisville, Ky., in a hearing room to be later designated.



- MC 119777 Sub 242, Ligon Specialized Hauler, Inc., now being assigned hearing November 29, 1972 (1 day), at Louisville, Ky., in a hearing room to be later designated.
- MC 118610 Sub 15, L & B Express, Inc., now being assigned November 30, 1972 (1 day), at Louisville, Ky., in a hearing room to be later designated.
- MC 108676 Sub 47, A. J. Metler Hauling & Rigging, Inc., now being assigned December 1, 1972 (1 day), at Louisville, Ky., in a hearing room to be later designated.
- MCC-7786, Eck Miller Transportation Corp.—Investigation and Revocation of Certificates, now being assigned hearing December 4, 1972 (2 days), at Louisville, Ky., in a hearing room to be later designated.
- MC 127834 Sub 64, Cherokee Hauling & Rigging, Inc., now being assigned hearing December 6, 1972 (3 days), at Louisville, Ky., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-16445 Filed 9-26-72; 8:50 am]

[Rev. S.O. 994; I.C.C. Order 39, Amdt. 8]  
**CHICAGO & NORTH WESTERN  
RAILWAY CO.**

**Rerouting or Diversion of Traffic**

Upon further consideration of ICC Order No. 39 (the Chicago & North Western Railway Co.) and good cause appearing therefor:

*It is ordered, That:*

ICC Order No. 39 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 28, 1973, unless otherwise modified, changed, or suspended.

*It is further ordered, That* this amendment shall become effective at 11:59 p.m., September 30, 1972, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 20, 1972.

INTERSTATE COMMERCE  
COMMISSION,  
[SEAL] R. D. PFAHLER,  
Agent.

[FR Doc.72-16450 Filed 9-26-72; 8:51 am]

[Public Advisory No. 4]

**LOST OR DAMAGED HOUSEHOLD  
GOODS**

**Prevention and Recovery**

August 1972. This Advisory Supplements BOP 103 "Summary of Information for Shippers of Household Goods".

**RECOVERY FOR GOODS DAMAGED OR LOST**

Whenever you move there is a chance some of your goods may be damaged or lost. This advisory is designed to assist you in obtaining the recovery to which

you are entitled should this happen. Basically we have divided this advisory into four general categories:

Things to know before you move.

Things to do on moving day.

Things to do on delivery day.

Things to do if a loss or damage claim occurs.

**THINGS TO KNOW BEFORE YOU MOVE**

*Liability.* You must be aware of the mover's responsibility for your goods while in his custody. All movers must provide the shipping public with various options as to the maximum amount for which they will be responsible. These options are fully explained in our prescribed Summary of Information for Shippers of Household Goods, Form BOP 103, which the mover is required to furnish to you.

It is our normal recommendation that, unless you are being fully reimbursed by your employer or other source for any losses or damages, you do not ship your goods at the minimum responsibility of 60 cents per pound, per article. This limitation rarely covers the actual value of a lost or damaged item. Furthermore, declaring a greater value includes the additional protection for losses due to:

An Act of God.

Breakage or other damage to goods packed by the owner (at 60 cents per pound, per article, you would have to prove negligence by mover to recover).

Be certain you fully understand the maximum liability of the mover under the option you desire before signing any documents. Notwithstanding any person's statement to the contrary, you are not purchasing insurance, and no insurance policy will be issued.

You must also be aware that under any valuation option you select, the maximum liability of the mover is the actual value of any lost or damaged items. Actual value is not the new cost of your goods, but the depreciated value at the time of shipment. Thus, in many instances the amount you are reimbursed will be less than the cost of a new item. Movers use depreciation tables in arriving at a settlement with you. Further, while you have the option of accepting the cost of repairs or the depreciated value of any damaged item, the mover's liability is generally limited to whichever is less.

Most, if not all, movers have a provision printed on the reverse side of the bill of lading excluding liability for loss of or damage to documents, currency, money, jewelry, watches, precious stones, or articles of extraordinary value which are not specifically listed on the bill of lading. It is strongly recommended that items of this nature be carried by you to avoid the possibility of loss or damage. If this is not practical, give the mover notice, by listing such items on the order for service and the bill of lading. If in doubt, list such items on both documents.

If not in convenient, you should also take with you family heirlooms or any small articles which are valuable. Items such as family Bibles, photographs, etc., which have value only to you cannot be

replaced if lost or damaged. The carrier will only be liable for the nominal commercial value of such items. Some items you have may be antiques and have great commercial value. In fact, antiques may appreciate in value through time. Not all old furniture can be classified as antiques though. Recognized antiques have appraisable market values. If you have an antique, you may consider having it appraised by a recognized expert before shipment. Antiques should be specifically listed on the bill of lading. This could assist you in a subsequent claim for loss or damage.

*Storage.* Many people must store their goods before shipment or at their final destination city. If you wish the mover to continue to be responsible for your goods while in storage, you should request that the goods be held on a storage-in-transit basis. A mover may hold goods in this status for a maximum of 180 days. After this period, the responsibility for your goods shifts to the warehouseman.

If you do not request storage-in-transit, your goods will be held in local storage. The local warehouseman will be responsible for the safekeeping of your goods. The mover's liability ceases when the local storage contract is in effect. This Commission has no regulatory authority over local storage. Furthermore, a warehouseman's liability is usually more restricted than a mover's. If you must place your goods in local storage, you should make an effort to find out what program of insurance the warehouseman offers to increase the protection on your goods. Whenever possible use the storage-in-transit procedure to obtain maximum protection.

*Damages.* There are two areas of claims settlements which need some explanation. A mover who damages one item of a set will only be liable for the one item, not the set. For instance, if one chair in a set of chairs is damaged and cannot be satisfactorily repaired, it will be responsible only for the one chair. The same will apply to matching lamps or dishes. This is true even though you cannot replace the item.

Likewise a mover will not accept liability for mechanical failure of an appliance unless there is evidence of external damage or unless it can be clearly shown that the mechanical failure was caused by the negligence of the mover.

The mover can arrange for servicing of your appliances to make them ready for transportation and to make them ready for operation at your new home. Sometimes these services are done by the agent and sometimes they are done by local service people. These additional services are offered as a convenience to you; however, the mover is responsible for damage caused by improper servicing only when performed by the mover.

**THINGS TO DO ON MOVING DAY**

*Inventory.* We are ready now for the first of the two most important dates of your move—the date your goods are picked up. You must do certain things at this time for your own protection.

On moving day, the driver and his helpers will inventory your goods as to

BE—Bent.	MO—Motheaten.
BR—Broken.	PBC—Packed by
BU—Burned.	carrier.
CH—Chipped.	PBO—Packed by
CU—Contents and condition un- known.	owner.
D—Dented.	R—Rubbed.
F—Faded.	RU—Rusted.
G—Gouged.	SC—Scratched.
L—Loose.	SH—Short.
M—Marred.	SO—Sollid.
MT—Mildew.	T—Torn.
	W—Badly worn.
	Z—Cracked.

1. Arm.
2. Bottom.
3. Corner.
4. Front.
5. Left.
6. Leg.
7. Rear.
8. Right.
9. Side.
10. Top.
11. Veneer.

Discuss with driver.

To sum up then, you should be present on moving day, you should be sure that your goods are correctly inventoried by the driver, and you should be sure all items of extraordinary value are listed on the bill of lading.

**Inspection.** The most important date in your move in establishing carrier liability is the delivery date. Again, you should be present. This is absolutely essential as only you are qualified to determine the condition and quantity of your goods.

Making proper notations of damage or loss at time of delivery is not the same thing as filing a claim for loss and damage. The notations, however, are an essential part of your claim. (We will tell you how to prepare a claim later in this advisory.) You should under no circum-

It will not do you much good to add language such as "subject to further inspection" or "subject to concealed damage." Like any receipt, you are only accepting the goods in apparent good order. The receipt is not absolute. However, it does establish a strong presumption of correctness. If you sign without exceptions, the burden would be on you to show that the receipt was incorrect and that items were actually lost or damaged. On the other hand, if exceptions are taken, the burden would then be on the mover to show that this was not the case.

## STATEMENT OF CLAIM

Cooked No.

on shipment from WENZHOU to GUANGZHOU

[illegible]

**You should complete the claim form to the best of your ability. Do not be afraid to be too detailed. Delays in claims processing are frequently caused by the need to request more information. The mover will tell you where to mail the completed form and will normally assign a number to your claim, which you should use in all correspondence. Any appraisals or repair estimates which are needed should be obtained. Normally, any costs incurred must be borne by you unless the mover agrees in advance it will pay them. The mover may request that your claim be accompanied by the original paid bill for transportation and the original bill**

To sum up, you should be on hand to take delivery of your goods. You should note on the inventory any lost or damaged articles to lay the groundwork for a claim. Exceptions cannot be taken at a future date. Once you have released your goods as in apparent good order, you have given the mover a defense against a claim for loss or damage.

**Filing a Claim.** If your goods are damaged or missing at delivery, a written claim must be filed with the mover for recovery. After you have noted the damage or loss on the inventory, you should immediately contact the destination agent or mover. You should request a company claim form for completion. The agent may at this time set up a mutually agreeable date to inspect any damaged items. If for any reason you cannot contact a destination agent, you should write or contact the mover directly, briefly outlining the circumstances of your claim, and request claim forms.

A typical mover claim form is shown below:

of lading. Normally the mover will not process a claim until all charges have been paid. It is suggested you keep a copy of these documents for yourself.

**Determining value.** In making your claim you should be prepared to justify the value you have placed on the lost or damaged article. Remember that the value of the household goods will normally be less than when new, so take this into consideration. Depreciation on used household goods works the same as depreciation on a car.

When you are preparing to move, you should save any sales slips on your larger items rather than throw them away. If



you don't have sales slips, you can consult mail-order house catalogs or local stores for an estimate as to value. If repair estimates are needed, your mover may suggest a nearby reliable repairman, or you may obtain them independently.

**ICC jurisdiction.** Movers are required by ICC regulations to acknowledge claims within 30 days from their receipt and to pay, deny, or propose a firm compromise offer of settlement within 120 days of receipt of the claim. If for any reason a claim remains open after 120 days, the mover is required at that time and every 30 days thereafter to advise you of the status of the claim and the reason for the delay. This Commission is also kept advised in these matters.

While the Interstate Commerce Commission has asked Congress for authority to adjudicate loss and damage claims, at the present time only the courts have authority to adjudicate these matters. We will try to assist you in understanding your rights and obligations in a claim, as well as contact the carrier whenever warranted, so that you may receive a proper and prompt settlement.

Movers are required to designate an agent for service of legal process in every State through which they operate. Thus, if it should be necessary, you can commence legal action by having the appropriate papers served on the designated agent. The name of a mover's process agent can be obtained by writing the Director, Bureau of Operations, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423.

**Insurance.** Movers are also required to file evidence of their own insurance with the ICC. This assures the payment of any claims for which the mover may be liable. You may obtain the name of a mover's insurance company also by writing to the Director, Bureau of Operations, Interstate Commerce Commission. Normally the mover's insurance company will use the same defense as the mover against your claim.

This advisory is intended to provide you with information as to what you should expect from the mover and what to do when an unforeseen problem arises. The Interstate Commerce Commission stands ready to help you. For the Commission to be of maximum assistance, however, you must do everything within your power to follow the procedure outlined here.

For your convenience, our field office locations and telephone numbers are set forth in Public Advisory No. 3, "People on the Move." Copies of Public Advisory No. 3 can be obtained by writing the Public Information Office, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423, or from any of our local offices.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-16452 Filed 9-26-72;8:51 am]

[Ex Parte No. 241; Rule 19, Exemption 21]

## NORFOLK AND SOUTHERN RAILWAY CO.

### Exemption Under Mandatory Car Service Rules

It appearing, that there is a substantial movement of grain and grain products originating at stations on the Norfolk and Southern Railway Co.; that major harvests of grain are commencing in the area served by this railroad; that the boxcar supply available to this railroad is inadequate to meet all of the needs of the shippers served by this railroad.

*It is ordered,* That pursuant to the authority vested in me by Car Service Rule 19, plain narrow-door boxcars described in the Official Railway Equipment Register, ICC R.E.R. No. 384, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation Xm, with inside length 44 feet 6 inches or less, owned by carriers having direct connections with the Norfolk and Southern Railway Co. or received empty from the Norfolk and Portsmouth Belt Line Railroad Co. are exempt from the provisions of Car Service Rules 1 and 2.

Effective: September 20, 1972.

Expires: October 15, 1972.

Issued at Washington, D.C., September 19, 1972.

INTERSTATE COMMERCE  
COMMISSION,  
[SEAL] R. D. PFAHLER,  
Agent.

[FR Doc.72-16451 Filed 9-26-72;8:51 am]

[Notice 30]

### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 22, 1972.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers

of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

### MOTOR CARRIERS OF PROPERTY

No. MC-41432 (Deviation No. 10), EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, Post Office Box 10125, Dallas, TX 75207, filed September 1, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dallas, Tex., over U.S. Highway 80 to Fort Worth, Tex., thence over U.S. Highway 81 to junction U.S. Highway 287, thence over U.S. Highway 287 via Wichita Falls, Tex., to Amarillo, Tex., thence over U.S. Highway 66 to Gallup, N. Mex., thence over U.S. Highway 666 to junction U.S. Highway 163, thence over U.S. Highway 163 to Green River, Utah, thence over U.S. Highway 50 to junction U.S. Highway 89, thence over U.S. Highway 89 to Salt Lake City, Utah, thence over U.S. Highway 89 to junction U.S. Highway 30S, thence over U.S. Highway 30S to junction U.S. Highway 30, thence over U.S. Highway 30 to Portland, Oreg., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Dallas, Tex., over U.S. Highway 80 to Las Cruces, N. Mex., thence over U.S. Highway 70 to Los Angeles, Calif., thence over U.S. Highway 99 to Sacramento, Calif., thence over U.S. Highway 99 and Interstate Highway 5 to Portland, Oreg., and return over the same route.

No. MC-48958 (Deviation No. 37), ILLINOIS-CALIFORNIA EXPRESS, INC., Post Office Box 9050, Amarillo, TX 79105, filed September 12, 1972. Carrier's representative: Morris G. Cobb, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dallas, Tex., over Interstate Highway 20 (U.S. Highway 80) to junction Interstate Highway 10, thence over Interstate Highway 10 (U.S. Highway 80) to junction U.S. Highway 70, thence over U.S. Highway 70 to junction U.S. Highway 60, thence over U.S. Highway 60 to Phoenix, Ariz., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Amarillo, Tex., over U.S. Highway 287 via Wichita Falls, Tex., to Rhome, Tex., thence over Texas Highway 114 to Dallas, Tex., (2) from Fort Worth, Tex., over U.S. Highway 81 to Rhome, Tex., (3) from Amarillo, Tex., over U.S. Highway 66 to San Jon, N. Mex., (4) from Tucumcari, N. Mex., over U.S. Highway 66 to San Jon, N. Mex., (5) from Moriarty,

N. Mex., over U.S. Highway 66 to Tucumcari, N. Mex., (6) from Albuquerque, N. Mex., over U.S. Highway 66 to Moriarty, N. Mex., (7) from Los Angeles, Calif., over U.S. Highway 66 via San Bernardino, Calif., to Albuquerque, N. Mex., and (8) from Flagstaff, Ariz., over Interstate Highway 17 to Phoenix, Ariz., and return over the same routes.

No. MC 48958 (Deviation No. 38), ILLINOIS-CALIFORNIA EXPRESS, INC., Post Office Box 9050, Amarillo, TX 79105, filed September 12, 1972. Carrier's representative: Morris G. Cobb, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From El Paso, Tex., over Interstate Highway 10 (U.S. Highway 80) to junction U.S. Highway 70, thence over U.S. Highway 70 to junction U.S. Highway 60, thence over U.S. Highway 60 (Interstate Highway 10) to Indio, Calif., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From El Paso, Tex., over Interstate Highway 10 (U.S. Highway 80) to junction Interstate Highway 8 (Arizona Highway 84), at or near Casa Grande, Ariz., thence over Interstate Highway 8 (Arizona Highway 84 and U.S. Highway 80) to junction Interstate Highway 5, thence over Interstate Highway 5 to San Diego, Calif., and (2) from El Centro, Calif., over California Highway 86 to junction Interstate Highway 10 (U.S. Highway 60) at or near Indio, Calif., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-16447 Filed 9-26-72;8:50 am]

## NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

SEPTEMBER 22, 1972.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Oklahoma Docket No. MC 21834 (Sub-No. 3), filed September 12, 1972. Applicant: MAURICE SMITH AUSLEY II, doing business as AUSLEY MOTOR FREIGHT, 1911 Northwest First Street, Oklahoma City, OK. Applicant's representative: Dean Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, OK. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, (1) between Oklahoma City, Okla., and Anadarko, Okla., via U.S. Highway 66 to its intersection with U.S. Highway 281, near Bridgeport, Okla., thence south on U.S. Highway 281 to Anadarko, Okla., and return over the same route, serving no intermediate points not presently authorized to be served by applicant. (2) As an alternate route, for operating convenience only, between Oklahoma City, Okla., and Anadarko, Okla., via U.S. Highway 62 to its intersection with the H. E. Bailey Turnpike, thence south on the H. E. Bailey Turnpike to its intersection with U.S. Highway 62 at Chickasha, Okla., thence west on U.S. Highway 62 to Anadarko, Okla., serving no intermediate points. Applicant requests authority to conduct operations in both intrastate and interstate and foreign commerce over the above routes and to serve the points on the above routes. Applicant requests his entire authority including the above routes be utilized to allow a complete service between the points requested to be served on the above routes, and all points on the routes which applicant is presently authorized to serve.

HEARING: November 6, 1972, 9 a.m., at Jim Thorpe Office Building, Oklahoma City, Okla. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, Okla. 73105 and should not be directed to the Interstate Commerce Commission.

California Docket No. A-53457, filed July 17, 1972, published in FEDERAL REGISTER issue of August 16, 1972, and republished as corrected this issue. Applicant: WILLIG FREIGHT LINES, 123 Loomis Street, San Francisco, CA 94124. Applicant's representative: Robert L. LaVine, 415 Hearst Building, San Francisco, Calif. 94103. Notice of the filing of this application appeared in the FEDERAL REGISTER on August 16, 1972. The following are corrections to that publication: 1. Page 16585, second column, second full paragraph, line 2. The description as appearing in the FEDERAL REGISTER was "Northerly along the unnumbered highway via Mission, San Jose, and Niles to Hayward; \* \* \*". This description is incorrect. The correct text of the above phrase should be "Northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; \* \* \*". 2. Page 16585, first column, third full paragraph, line 19. There should be no comma after the word "trailers". 3. Page 16585, second column, first full paragraph, line

22. After the first use of the word "limits", the comma should be a semicolon. 4. Page 16585, third column, first full paragraph, line 8. After the word "corporate", the word "boundary" was omitted. 5. Page 16585, third column, first full paragraph, line 29. The street name stated as "Barron Avenue" should be "Barton Avenue". 6. Page 16585, third column, first full paragraph, line 30. The street name stated as "Barron Avenue" should be "Barton Avenue." 7. Page 16585, third column, first full paragraph, line 31. The street name stated as "Palm Springs Avenue" should be "Palm Avenue". 8. Page 16585, third column, second full paragraph, line 7. There should be no comma after the word "southerly". 9. Page 16585, third column, second full paragraph, line 13. There should be no comma after the word "westerly". 10. Page 16585, third column, second full paragraph, line 25. The entire line which reads "along Benton Road to the county road" is in error and should be deleted. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-16446 Filed 9-26-72;8:50 am]

[Ex Parte No. MC-19 (Sub-No. 18)]

## MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Released Rates; Filing of Petition for Institution of Rulemaking Proceeding

SEPTEMBER 22, 1972.

Petitioner: Household Goods Carriers' Bureau, 2425 Wilson Boulevard, Arlington, VA 22201. Petitioner's representative: Russell S. Bernhard, 1625 K Street NW., Washington, DC 20006. By petition filed March 15, 1972, the above-named petitioner, on behalf of its more than 1,700 motor carrier members, requests the Commission to issue a declaratory order in accordance with the provisions of the Administrative Procedure Act. Petitioner's asserted purpose in seeking such order is to terminate a controversy and remove uncertainty regarding certain procedures employed by national account (nationwide corporation) shippers, and accepted by motor common carriers of household goods. These procedures pertain to methods of declaring released values on shipments of household goods so as to limit the carrier's liability for loss or damage to a sum not exceeding 60 cents per pound per article in accordance with Released Rate Order No. MC-505 of June 7, 1966, 102 M.C.C. 277, as codified at 49 CFR 1307.201(a).

The above released rates order became effective January 1, 1967, and contains

the following provisions in subparagraph (c):

(c) Statement on bills of lading. The bill of lading issued for any shipment accepted for transportation and storage at released rates and charges established and maintained under authority of this order, shall have printed in distinctive color in boldface type on the face thereof a statement reading as follows:

Unless the shipper expressly releases the shipment to a value of 60 cents per pound per article, the carrier's maximum liability for loss and damage shall be either the lump sum value declared by the shipper or an amount equal to \$1.25 for each pound of weight in the shipment, whichever is greater.

The release of value must be entered in the following form directly below and immediately following the foregoing statement, and must be completed only by the person signing it.

The shipment will move subject to the rules and conditions of the carrier's tariff.

Shipper hereby releases the entire shipment to a value not exceeding -----

(To be completed by the person signing below.)

Notice: The shipper signing this contract must insert in the space above, in his own handwriting, either his declaration of the actual value of the shipment, or the words, "60 cents per pound per article". Otherwise, the shipment will be deemed released to a maximum value equal to \$1.25 times the weight of the shipment in pounds.

-----  
(Shipper)

-----  
(Date)

The specific question petitioner seeks to have the Commission determine is whether an official of a national account shipper properly may declare, and a carrier may accept, a released valuation on a shipment of household goods (a) by specification made on a purchase order, (b) by issuing, in advance of shipping date, blanket or individual letters of instructions to carriers, or (c) by any means other than the actual insertion in the shipper's own handwriting directly on the bill of lading of the declaration of the value at "60 cents per pound per article."

Petitioner alleges that a substantial percentage of all household goods traffic involves shipments with a national account as shipper and an employee of the national account as consignee. Such shipments generally involve the transfer of an employee from one location to another, with the employer, as shipper on the bill of lading, paying for the household goods movement on a credit basis. Under such circumstances, the national account usually issues a "purchase order" or "letter of instruction" to the local representative of the carrier in the city where the general office of the national account is located. The household goods to be moved, however, may be elsewhere. Many national accounts maintain their own insurance programs for protection of the household goods of employees being transferred. Therefore, they issue instructions to carriers that shipments handled for them be released to the lowest released value provided in

the applicable tariff. Such instructions appear on the purchase order or letter of instruction issued by the national account. However, no official of the national account is present at the time and place of shipment. The carrier usually prepares the bill of lading, typing in the released value of "60 cents per pound per article" in the appropriate place and cross-referencing such released value declaration to the specific purchase order or letter of instruction issued and signed by an official of the national account.

Attached to and made a part of the petition are statements in support which petitioner received from The National Industrial Traffic League and Aerospace Industries Association of America, Inc. In addition, Eastman Kodak Co., has filed with the Commission a statement in which it asks the Commission to allow carriers to accept its purchase orders or letters of instruction as a basis for establishing released rates on shipments of household goods.

The relief sought in this petition will not have an adverse effect upon the environment.

Any interested person desiring to participate shall file an original and seven copies of his written representations, views, and arguments in support of, or against, the relief sought on or before October 30, 1972. A copy of such representations should be served upon petitioner at the address indicated above.

Written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 72-16449 Filed 9-26-72; 8:51 am]

[Notice No. 78]

### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 22, 1972.

The following publications<sup>1</sup> are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission, authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in

<sup>1</sup>Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

#### MOTOR CARRIERS OF PROPERTY

No. MC 102616 (Sub-No. 867) (Republication), filed November 12, 1971, published in the FEDERAL REGISTER issue of December 23, 1971, and republished this issue. Applicant: COASTAL TANK LINES, INC., Post Office Box 7211, 215 East Waterloo Road, Akron, OH 44310. Applicant's representative: Harold G. Hernly, Jr., 2030 North Adams Street, Suite 510, Arlington, VA 22201. An order of the Commission, Review Board No. 1, dated September 5, 1972, and served September 19, 1972, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of petroleum and petroleum products (except petrochemicals), in bulk, in tank vehicles, from Pittsburgh, Pa., to points in Boone, Fayette, Greenbrier, McDowell, Raleigh, and Summers Counties, W. Va.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. That since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the actual grant of authority herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

#### NOTICES FOR FILING OF PETITIONS

No. MC 59759 and (Sub-Nos. 11, 14, 16, 17, 18, 19, 20, 24, and 26), (Notice of Filing of Petition to Amend Permits by Addition of New Shipper and Origin and Destination Point), filed July 25, 1972. Petitioner: JONES TRUCKING CO., a corporation, 500 West Edgar Road, Elizabeth, NJ 07036. Petitioner's representative: George A. Olsen, 60 Tonnelle Avenue, Jersey City, NJ 07306. Petitioner holds authority in No. MC 59759, authorizing, as here pertinent, the transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies (except liquids, in bulk, in tank vehicles), used in the conduct of such business, between the site of the warehouse of Food Fair Stores, Inc., at Linden, N.J., on the one hand, and, on the other, points in Middlesex, New Haven, and New London Counties, Conn. Restriction: The operations described above are limited to a transportation service to be performed under a con-

tinuing contract, or contracts, with Food Fair Stores, Inc.; such merchandise as is dealt in by wholesale, retail, and chain grocery, and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, from Linden, N.J., and New York, N.Y., to points in Albany, Rensselaer, and Schenectady Counties, N.Y.; and empty containers and returned merchandise of the commodities specified immediately above, from points in Albany, Rensselaer, and Schenectady Counties, N.Y., to Linden, N.J., and New York, N.Y.

Restriction: The operations described above are limited to a transportation service to be performed, under a continuing contract or contracts, with the following shippers: Food Fair Stores, Inc., Linden, N.J.; Merchants Green Trading Stamp Co., Linden, N.J.: in MC 59759 (Sub-No. 11) petitioner is authorized to transport such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses (except liquid commodities, in bulk, in tank vehicles), from New York, N.Y., to points in Middlesex, New Haven, and New London Counties, Conn., and those in New Jersey on and north of New Jersey Highway 33 (except those in a territory in eastern New Jersey bounded by a line beginning at Barnegat Inlet, N.J., and extending in a northwesterly direction across Barnegat Bay and through Forked River to Lakehurst, thence north through Englishtown and Spotswood to New Brunswick, thence in a northwesterly direction through Raritan and Clinton to Washington, N.J., thence east to Stirling, thence in a northeasterly direction along the western boundary lines of Union and Essex Counties to the Essex-Morris-Passaic County lines at a point 2 miles north of Fairfield, thence in a southeasterly direction through Lyndhurst to Hoboken, and thence south along all east bay and river shores and along the Atlantic Coast to Barnegat Inlet, N.J.), with no transportation for compensation on return except as otherwise authorized.

Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Food Fair Stores, Inc., of Linden, N.J.: MC 59759 (Sub-No. 14) authorizes as here pertinent, transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in conduct of such business, (a) from Linden, N.J., and New York, N.Y., to points in Washington County, R.I.; and (b) from New York, N.Y., to points in Orange and Rockland Counties, N.Y.; and returned shipments of the commodities specified above; (a) from points in Washington County, R.I., to Linden, N.J., and New York, N.Y., and (b) from points in Orange and Rockland Counties, N.Y., to New York, N.Y. Restriction: The operations authorized above are limited to a transportation service to be performed, under a continuing contract, or

contracts, with Food Fair Stores, Inc., of Linden, N.J.: MC 59759 (Sub-No. 16) authorizes transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, between Linden, N.J., on the one hand, and, on the other, points in Albany, Rensselaer, Schenectady, Ulster, Greene, Sullivan, Delaware, Orange, and Rockland Counties, N.Y.

Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Food Fair Stores, Inc., of Linden, N.J.: MC 59759 (Sub-No. 17) authorizes, as here pertinent, the transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, except commodities in bulk, in tank vehicles, between Linden, N.J., on the one hand, and, on the other, points in Columbia, Dutchess, Montgomery, Putnam, Suffolk, and Westchester Counties, N.Y., Hampden and Worcester Counties, Mass., and Providence County, R.I. Restriction: The operations authorized immediately above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Food Fair Stores, Inc.: MC 59759 (Sub-No. 18) authorizes transportation of such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, between Philadelphia, Pa., and New York, N.Y.

Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Food Fair Stores, Inc., of Linden, N.J.: MC 59759 (Sub-No. 19) authorizes, as here pertinent, transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business (except commodities in bulk, in tank or hopper type vehicles), between Linden, N.J., on the one hand, and, on the other, points in Litchfield, Hartford, Tolland, and Windham Counties, Conn.; Berkshire, Franklin, Hampshire, Middlesex, Essex, and Norfolk Counties, Mass.; Fulton, Saratoga, Schoharie, Warren, and Washington Counties, N.Y., and Bristol, Kent, and Newport Counties, R.I. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: Food Fair Stores, Inc., Linden, N.J.; Merchants Green Trading Stamp Co., Linden, N.J.: MC 59759 (Sub-No. 20) authorizes transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith,

equipment, materials, and supplies used in the conduct of such business (except commodities in bulk, in tank or hopper type vehicles), between Linden, N.J., on the one hand, and, on the other, points in Barnstable, Bristol, Plymouth, and Suffolk Counties, Mass.

Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Food Fair Stores, Inc., of Linden, N.J.: MC 59759 (Sub-No. 24) authorizes transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, except commodities in bulk, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, between Linden and Newark, N.J., on the one hand, and, on the other, points in York County, Pa., Onondaga and Monroe Counties, N.Y., and Hillsboro County, N.H. Restriction: The operations authorized above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Food Fair Stores, Inc., and its subsidiaries of Linden, N.J.: and MC 59759 (Sub-No. 26) authorizes transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and supplies used in the conduct of such business (except liquid commodities in bulk, in tank vehicles), between Linden, N.J., on the one hand, and, on the other, points in Rockingham County, N.H. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract or contracts, with Food Fair Stores, Inc., and its affiliates, of Linden, N.J. By the instant petition, petitioner seeks to add to the permits the additional origin or destination of South Kearny, N.J., and the name of First National Stores, Inc., as an additional contracting shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 93971 (Sub-No. 1) (Notice of Filing of Petition for Modification of Certificate), filed August 23, 1972. Petitioner: BAKER TRUCKING, INC., 1600 South Second West, Baker, MT 59313. Petitioner's representative: Leslie R. Kehl, Suite 420, Denver Club Building, Denver, Colo. 80202. Petitioner presently holds a certificate in No. MC 93971 (Sub-No. 1), issued June 28, 1957, authorizing, as pertinent, operation as a common carrier by motor vehicle, over regular routes, of general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Miles City, Mont., and Marmarth, N. Dak., over U.S. Highway 12 serving all intermediate points, with service at Miles City restricted against the interchange of traffic originating at or destined to points

west of Miles City. By the instant petition, petitioner seeks to modify this certificate to provide for the transportation of the above-described commodities between Miles City, Mont., and Marmarth, N. Dak., serving all intermediate points, and eliminating the aforementioned restriction. Any person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 127355 (Notice of Filing of Petition for Modification of Certificate), filed September 13, 1972. Petitioner: M & N GRAIN COMPANY, a Corporation, 804 East Hickory, Nevada, MO 64772. Petitioner's representative: Donald J. Quinn, 1012 Baltimore, Suite 900, Kansas City, MO 64105. Petitioner presently holds a permit in No. MC 127355, issued June 5, 1972, authorizing, as pertinent, operation as a contract carrier by motor vehicle, over irregular routes, of (1) *Fish meal* from Houston and Port Arthur, Tex., Dulac and Morgan City, La., and Moss Point, Gulfport, and Pascagoula, Miss., to Lynn Center, Monmouth, and Morrison, Ill., Egan, S. Dak., Fond du Lac and Madison, Wis., and points in Iowa, Minnesota, and Nebraska, with no transportation for compensation on return except as otherwise authorized; and (2) *Cottonseed meal* from Portageville, Mo., Memphis, Tenn., and points in Arkansas and Mississippi, to Lynn Center, Monmouth, and Morrison, Ill., Egan, S. Dak., Fond du Lac and Madison, Wis., and points in Iowa, Minnesota, and Nebraska, with no transportation for compensation on return except as otherwise authorized, restricted to service performed under a continuing contract, or contracts, with the Pillsbury Co. of Minneapolis, Minn., and conducted separately from carrier's other business activities, and with separate accounts and records maintained, and further restricted against transport as a public carrier and private carrier at the same time in the same vehicles.

By the instant petition, petitioner seeks to modify this permit to provide for the transportation, over irregular routes of *feed ingredients*, including cottonseed meal and hulls, fish meal, meat and bone meal, tankage, blood meal, bone meal, linseed oil meal, hominy meal, gluten feed, gluten meal, dehydrated alfalfa (ground and/or pellets), beet pulp, brewer's grains, malt sprouts, grain screenings (pellets), mill feed (bran, middlings, red dog, shorts, germ and millrun), ground corn cobs, oat feed, potato meal, feather meal, poultry by-products, peanut meal and hulls, soybean meal, sunflower meal, rapeseed meal, pellet binder (ammonium lignin sulfonate), corn screenings (pellets), suncured alfalfa and distillers grains, between points in the States of Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma,

South Dakota, Tennessee, Texas, Wisconsin, and Wyoming, and restricted to all specifications previously mentioned. Any person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 133006 (Notice of Filing of Petition To Amend Permit To Include Additional Point of Origin), filed September 11, 1972. Petitioner: CALLENS TRUCKING CO., INC., 2310 North Rosemead Boulevard, South El Monte, CA 91733. Petitioner's representative: Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, CA 90212. Petitioner presently holds a permit in No. MC 133006, issued September 1, 1972, authorizing, as pertinent, operation as a contract carrier by motor vehicle, over irregular routes, of *such commodities* as are used, distributed, and dealt in by fabricators and distributors of canvas, webbing, and industrial fabrics, from points in Alabama, Connecticut, Florida, Georgia, New York, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, and Texas, to points in California, with no transportation for compensation on return except as otherwise authorized, and restricted to a transportation service to be performed, under a continuing contract, or contracts, with Elizabeth Webbing Mills Co., Inc. By the instant petition, petitioner seeks to add the State of Missouri, and points therein, as an additional point of origin from which service is authorized when destined to points in California under same contract(s). Any person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 134200 (Sub-No. 2) (Notice of Filing of Petition for Removal of Restriction), filed August 20, 1972. Petitioner: BERNARD REZNICK, doing business as INTERSTATE FREIGHT DISTRIBUTORS, 3301 Leonis Boulevard, Los Angeles, CA 90058. Petitioner's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Petitioner presently holds a permit in No. MC 134200 (Sub-No. 2), issued May 27, 1971, authorizing, as pertinent, operation as a contract carrier by motor vehicle, over irregular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Alameda, Contra Costa, Marin, San Francisco, San Mateo, and Santa Clara Counties, Calif., restricted against the transportation of packages or articles weighing in aggregate more than 500 pounds from one consignor to one consignee on any one day, under contract with Sav-On Freight Distributing Agency. By the instant petition, petitioner seeks re-

moval of the restriction against the transportation of packages or articles weighing in aggregate more than 500 pounds from one consignor to one consignee on any one day. Any interested person desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 112713 (Sub-No. 146), filed September 11, 1972. Applicant: YELLOW FREIGHT SYSTEM, INC., 92d Street at State Line Road, Kansas City, MO 64114. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, automobiles, trucks, and buses; livestock; commodities moving in refrigerated equipment, commodities in bulk; and logs; (1) Regular routes: Between San Jose, Calif., and Richmond, Calif., from San Jose over U.S. Highway 101 to Richmond, and return over the same route, serving all intermediate points on said Highway and the off-route point of Newark, Calif.; also from San Jose, Calif., over U.S. Highway 101 to Richmond, Calif., and return over the same route, serving all intermediate points on said Highway and the off-route point of Los Altos, Calif.; (2) between San Jose, Calif., and Salinas, Calif., over U.S. Highway 101, and return over the same route, serving all intermediate points; (3) between Gilroy and Hollister, Calif., over California Highway 25, and return over the same route, serving all intermediate points; (4) between Hollister, Calif., and junction U.S. Highway 101 and California Highway 156, over California Highway 156, and return over the same route, serving no intermediate points; (5) between San Jose and Santa Cruz, Calif., over California Highway 17, and return over the same route, serving all intermediate points; (6) between Santa Cruz and Carmel, Calif., over Highway 1, and return over the same route, serving all intermediate points and the off-route points of Soquel, Aptos, Freedom, Capitola, Moss Landing, Seaside, and Pacific Grove; (7) between Sunnydale and Santa Cruz, Calif., over California Highway 9, and return over the same route, serving all intermediate points; (8) between Saratoga and Los Gatos, Calif., over unnumbered county road and return over the same route, serving no intermediate points; (9) between Santa Clara and Campbell, Calif., over California Highway 17, serving no intermediate points; and (10) between San Francisco and San Jose, Calif., over U.S. Highway 101 and 101 Bypass, and return over the same route, serving all



intermediate points. Irregular routes: Between San Francisco, Calif., on the one hand, and, on the other, Los Gatos, Los Altos, Campbell, Cupertino, Watsonville, Seaside, Monterey, and Santa Cruz, Calif. NOTE: The instant application is a matter directly related to MC-F-11657, published in the FEDERAL REGISTER issue of September 20, 1972. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

#### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

#### MOTOR CARRIERS OF PROPERTY

No. MC-F-11659. Authority sought for purchase by R. D. LEWIS BANANA CO., INC., 221 Fourth Street, Fowler, CO 81039, of a portion of the operating rights of H. L. HERRIN, JR., Post Office Box 1106, Metairie, LA 70004, and for acquisition by R. D. LEWIS, of Fowler, Colo. 81039, of control of such rights through the purchase. Applicants' attorney: Herbert M. O'Boyle, 946 Metropolitan Building, Denver, Colo. 80202. Operating rights sought to be transferred: *Bananas*, as a *common carrier* over irregular routes, from Gulfport, Miss., to points in Colorado. Vendee is authorized to operate as a *common carrier* in Colorado, Louisiana, Nebraska, Texas, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11660. Authority sought for purchase by HAUSER TRUCKING CORP., Post Office Box 241, Cobleskill, NY, of a portion of the operating rights of NORTHERN MOTOR CARRIERS, INC., Route 9, Saratoga Road, Fort Edward, N.Y. 12828, and for acquisition by MARK J. HAUSER also of Cobleskill, N.Y., of control of such rights through the purchase. Applicants' attorney: John J. Brady, Jr., 75 State Street, Albany, NY 12207. Operating rights sought to be transferred: *Pig iron*, in dump vehicles, as a *common carrier*, over irregular routes, from Troy, N.Y., to points in Maine, Vermont, New Hampshire, Connecticut, Massachusetts, and Rhode Island, from Troy, N.Y., to points in Pennsylvania and New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), with restriction. Vendee is authorized to operate as a *common carrier*, in New York, Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, and Vermont. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11661. Authority sought for purchase by BARBER TRANSPORTATION CO., Post Office Drawer 2047,

Rapid City, SD 57701, of the operating rights and property of BAKER TRUCKING, INC., 16 South Second W., Baker, MT 59313, and for acquisition by ZELLA S. BARBER, also of Rapid City, S. Dak. 57701, of control of such rights and property through the purchase. Applicants' attorney: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Operating rights sought to be transferred: *General commodities*, excepting among others, class A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Miles City, Mont., and Marmarth, N. Dak., serving all intermediate points, with service at Miles City, restricted against the interchange of traffic originating at or destined to points west of Miles City. Vendee is authorized to operate as a *common carrier* in South Dakota, Wyoming, Illinois, Iowa, Minnesota, Nebraska, North Dakota, Colorado, and Montana. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11662. Authority sought for purchase by DENVER-MIDWEST MOTOR FREIGHT, INC., Post Office Box 156, Downtown Station, Omaha, NE 68101, of the operating rights of STREATOR TRANSFER & STORAGE CO., 5740 West Cortland, Chicago, IL 60639, and for acquisition by GENERAL INDUSTRIES, INC., also of Omaha, Nebr. 68101, and in turn by HOWARD E. HOLDCROFT, 12116 V Street, Millard, NE 68043, of control of such rights through the purchase. Applicants' attorneys: Earl H. Scudder, Jr., Box 82028, Lincoln, NE 68501, and Arnold Burke, Suite 2220 Brunswick Building, 69 West Washington Street, Chicago, IL 60602. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-98292 (Sub-No. 1), covering the transportation of property, as a *common carrier* in interstate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Nebraska, Iowa, Colorado, South Dakota, Missouri, Kansas, Minnesota, and North Dakota. Application has been filed for temporary authority under section 210a(b). NOTE: MC-127602 (Sub-No. 12), is a matter directly related.

No. MC-F-11663. Authority sought for control and merger by GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Post Office Box 2696, Memphis, TN 38102, of the operating rights and property of ALABAMA-GEORGIA EXPRESS, INC., 2616 Commerce Boulevard, Post Office Box 6608, Birmingham, AL 35210, and for acquisition by M. M. GORDON, 4005 Grandview Avenue, Memphis, TN; A. W. GORDON, JR., 4679 Walnut Grove Road, Memphis, TN; J. K. GORDON, 3910 Paula Drive, Memphis, TN; ESTHER G. CATO, 425 South Perkins, Memphis, TN, and MARY G. CONAWAY, 3925 South Galloway, Memphis, TN, of control of such rights and property through the transaction. Applicants' attorneys: Warren A. Goff, 2008

Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137, and A. W. Jones, Frank Nelson Building, Birmingham, Ala. 35203. Operating rights sought to be controlled and merged:

*General commodities*, except explosives and commodities requiring special equipment, as a *common carrier*, over regular routes, between Birmingham, Ala., and Cartersville, Ga., serving Gadsden, Ala., for purposes of joinder only, and serving all intermediate and off-route points within 15 miles of Birmingham and all intermediate and off-route points in that part of Georgia on and west of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 41 to Atlanta, Ga., and thence along U.S. Highway 29 to the Georgia-South Carolina State line, except Atlanta, and points in Fulton, Douglas, Haralson, Cobb, De Kalb, Clayton, and Carroll Counties, Ga., with restrictions; *general commodities*, except explosives, and commodities requiring special equipment, over irregular routes, between Birmingham, Ala., and points within 15 miles thereof, on the one hand, and, on the other, points in Georgia, except Atlanta, and points in Fulton, Douglas, Haralson, Cobb, De Kalb, Clayton, and Carroll Counties, Ga., generally described as lying on and west of U.S. Highway 41 from the Georgia-Florida State line to Atlanta, and on and west of U.S. Highway 29 from Atlanta to the Georgia-South Carolina State line; *cast iron articles*, from Gadsden and Anniston, Ala., to points in Georgia on and west of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 41 to Atlanta, Ga., and thence along U.S. Highway 29 to the Georgia-South Carolina State line, with restriction. GORDONS TRANSPORTS, INC., is authorized to operate as a *common carrier*, in Illinois, Tennessee, Missouri, Mississippi, Alabama, Kentucky, Louisiana, Arkansas, Oklahoma, Texas, Georgia, Iowa, Minnesota, Ohio, Indiana, Pennsylvania, North Carolina, New York, Virginia, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11665. Authority sought for purchase by ARROW TRUCK LINES, INC., Post Office Box 5568, Birmingham, AL 35207, of the operating rights of SERVICE EXPRESS, INC., Post Office Box 1009, Tuscaloosa, AL 35401, presently leased from BYRON L. DOSTER, 1104 South Commissioner Avenue, Demopolis, AL, and for acquisition by ROBERT L. RAGSDALE, also of Birmingham, Ala. 35207, of control of such rights through the purchase. Applicants' attorney: William P. Jackson, 919—18th Street NW., Washington, DC 20006. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC-120910 (Sub-No. 2), covering the transportation of property and general commodities, as a *common carrier* in interstate commerce, within the State of Alabama. Vendee is authorized to operate as a *common carrier* in Alabama, Kentucky, North Carolina,

South Carolina, Georgia, and Tennessee. Application has been filed for temporary authority under section 210a(b). NOTE: MC-121060 (Sub-No. 23), is a matter directly related.

No. MC-F-11666. Authority sought for control by McLEAN TRUCKING COMPANY, Post Office Box 213, Winston-Salem, NC 27102, of TOPEKA MOTOR FREIGHT, INC. (Bruce E. Yeakel, Trustee in Bankruptcy), 1701 State Avenue, Kansas City, KS 66102, of control of TOPEKA MOTOR FREIGHT, INC., through the acquisition by McLEAN TRUCKING COMPANY. Applicants' attorney: David G. Macdonald, 1000 16th Street NW, Washington, DC 20036. Operating rights sought to be controlled:

*General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Kansas, Nebraska, Missouri, and Iowa, with certain restrictions, serving various intermediate and off-route points, as more specifically described in Docket No. MC-106904 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. McLEAN TRUCKING COM-

PANY, is authorized to operate as a *common carrier* in Virginia, Massachusetts, Delaware, Maryland, Georgia, Missouri, North Carolina, South Carolina, New York, Illinois, Tennessee, Iowa, Indiana, Ohio, Texas, Maine, Michigan, Mississippi, New Jersey, New Hampshire, Rhode Island, Vermont, Wisconsin, Kentucky, West Virginia, Pennsylvania, Minnesota, Kansas, Connecticut, Louisiana, Florida, Arkansas, Alabama, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-16448 Filed 9-26-72;8:51 am]

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